

CR-3517-2015 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-3517-2015 (O&M).

Decided on: May 21, 2015.

Karnail Singh

..... Petitioner(s)

Versus

Jarnail Singh and others

..... Respondent(s)

*** * ***

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.P.S.Brar, Advocate,
for the petitioner.**

M.M.S. BEDI, J (ORAL).

The defendant is aggrieved by the order dated 5.2.2015, allowing the application of the plaintiffs-respondents for amendment of the plaint permitting the plaintiffs-respondents to incorporate a plea that the land in dispute had been purchased from the funds of joint family and the property which stands in the name of Milkha Singh is joint Hindu coparcenary property.

Counsel for the petitioner has contended that by allowing the amendment at the stage of evidence the mandate of amended Order VI Rule 17 CPC has been violated. He has vehemently urged that the property in dispute is not at any cost joint Hindu family coparcenary property standing in the name of Milkha Singh.

I have heard the counsel for the petitioner and carefully gone through the nature of the controversy involved in the

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case and I am of the opinion that permitting incorporation of a particular plea by way of amendment regarding the nature of the property will not, in any manner, prejudice the rights of the parties rather it will enable the trial Court to arrive at a just conclusion by appreciating the material to find out the nature of the suit and to resolve the controversy effectively. The permission of amendment to incorporate the plea does not tantamount to admitting the averments.

The only fault which can be found in the impugned order is that for the inconvenience caused to the defendant-petitioner, no costs has been ordered to be paid.

The impugned order dated 15.2.2015, is upheld with slight modification that the defendant- petitioner will be entitled to costs of Rs.5,000/-.

Since the order has been passed to avoid unnecessary expenditure to be incurred by the plaintiffs-respondents, they would be entitled to seek review of the order in case the order is not acceptable to them.

The petition is disposed of accordingly with above modification.

May 21, 2015.
rka

(M.M.S. BEDI)
JUDGE