

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No. 4204 of 2012 (O&M)
Date of Decision: 13.07.2015.

Teja Singh

.....Petitioner

Versus

Chain Singh and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Vikas Bahl, Senior Advocate with
Mr. Nitish Garg, Advocate
for the petitioner.

Mr. Munish Gupta, Advocate
for the respondents.

SABINA, J.

Petitioner has filed this petition under Article 227 of Constitution of India challenging the order dated 30.4.2012 (Annexure P-4) whereby the application moved by the petitioner for permission to amend the plaint was dismissed.

I have heard the learned senior counsel for the petitioner and the learned counsel for the respondents and have gone through the record available on the file carefully.

Parties are closely related to each other. Petitioner has filed suit for declaration. During the pendency of the suit, petitioner moved an application for permission to amend the plaint.

Learned Trial Court while dismissing the application has held as under:-

“After hearing contentions of Ld. Counsel for both the

parties and going through the case file, I am fully convinced with the submission of Ld. Counsel for defendant No. 1. Agreeing with the contentions of Ld. Counsel for deft. No. 1, the application of the plaintiff has not weight. Therefore, same is liable to be dismissed. Now to come up on 26.5.2012 for evidence of plaintiff.”

A perusal of the impugned order reveals that the Trial Court while dismissing the application has not given any reasons for dismissing the same. The Trial Court was expected to give reasons as to why the application moved by the petitioner for permission to amend the plaint, was liable to be dismissed. Rather, no reasons have been given by the Trial Court for dismissing the application.

Accordingly, this petition is allowed. Impugned order dated 30.4.2010 (Annexure P-4) is set aside. Trial Court is directed to pass a fresh order, in accordance with law.

**(SABINA)
JUDGE**

July 13, 2015
Gurpreet