

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 5207 of 2015 (O/M)
Date of decision : 17.8.2015

Smt. Sadhna Kathuria

..... Revisionist

Versus

Umrao Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sanjay Verma, Advocate, for the revisionist.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 9.7.2015 (Annexure-P-6), passed by the learned Civil Judge (Junior Division), Gurgaon, vide which the application of the plaintiff/respondent under Order 6 Rule 17 of Code of Civil Procedure, 1908 (in short 'CPC') for amendment of the plaint, was allowed.

Learned counsel for the revisionist contends that in the plaint and the agreement, it is pleaded that the sale consideration of Rs. 8 lacs was paid through cheque bearing No. 431726 and Rs. 1

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lac through cash. Now, by way of proposed amendment, plaintiff/respondent wants to change the mode of payment in the plaint i.e. Rs. 8 lacs in cash and Rs. 1 lac through cheque. The said amendment has been allowed at the stage of evidence of the plaintiff. The lower Court has concluded that the amendment is necessary for determining real question in controversy between the parties.

I am of the view that the sale consideration is the same. Only the mode of payment is sought to be changed. It is a matter of evidence whether the consideration by the said mode is proved or not. However, exercising the revisional powers, I do not find any illegality or infirmity in the impugned order.

Learned counsel further contends that the nature of the suit is being changed. I do not agree with the said contention.

Learned counsel further contends that the amendment is time barred. However, it comes out that the suit is within limitation and only the mode of payment is being sought to be explained or altered in the plaint. Therefore, the limitation will not be attracted in such case. The present revision is accordingly dismissed.

(KULDIP SINGH)
JUDGE

17.8.2015
sjks