

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

**CR No.5865 of 2015 (O&M)
Date of decision: 09.09.2015**

M/s Bajrang Trading Company

... Petitioner

Vs.

Shri Rajbir

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Sushil Bhardwaj, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Challenge in the present petition is to the impugned order dated 10.07.2015 (Annexrure P-5), whereby, the application filed under Order 1 Rule 10 read with Section 151 CPC, for impleading the M/s Rampal Ramesh Chand, Commission Agent New Grain Market Indri, District Karnal, as defendant No.2, and as well as seeking amendment of the plaint, under Order 6 Rule 17 CPC, has been dismissed.

Mr. Sushil Bhardwaj, learned counsel appearing on behalf of the petitioner submits that though the suit had been filed in the year 2011 and the application seeking impleadment of M/s Rampal Ramesh Chand as defendant No.2 and amendment of the plaint had

been moved at the stage when the case was listed for plaintiff's evidence. He further submits that law with regard to impleadment and amendment is liberal, therefore, the Court has committed illegality and perversity in declining the application.

I have heard learned counsel for the petitioner and appraised the paper book.

The amendment sought to be incorporated in the plaint deals with some privy of the petitioner-plaintiff with one M/s Rampal Ramesh Chand Commission Agent New Grain Market Indri, District Karnal. The suit in hand has been filed for recovery of the amount against the defendant on independent cause of action. The petitioner cannot be permitted to club the cause of action accrued against M/s Rampal Ramesh Chand and seek amendment in the plaint.

In my view, the trial Court has rightly dismissed the application as the petitioner-plaintiff has failed to plead and aver that "despite exercise of due diligence" amendment could be sought. The impugned order cannot be said to have been passed without jurisdiction.

Accordingly, the revision petition is dismissed.

(AMIT RAWAL)
JUDGE

September 09, 2015
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