

**Sr. No. 238
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CR No.5644 of 2014
Date of decision: 03.12.2015**

Harjit Singh Kundra

..Petitioner

Versus

Sarabjit Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

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

Present: Mr. Sanjay Gupta, Advocate,
for the petitioner.

Mr. Puneet Jindal, Senior Advocate with
Mr. Varun Goyal, Advocate,
for respondent No.1.

ARUN PALLI, J.(ORAL)

Vide order being assailed, dated 24.09.2013, rendered by Civil Judge, Sr. Division, Shaheed Bhagat Singh Nagar, application moved by the respondent-plaintiffs, seeking amendment in the plaint and also to array the petitioner as party defendant, had since been granted. The only submission that has been advanced by learned counsel for the petitioner is that the original defendant in their response to the application, under order 6 rule 17 had stated as thus:

“That the nature of the amendment which is being sought by the plaintiff such relief has already been rejected as the plaintiff filed similar nature of suit for declaration which has been dismissed and no permission has been obtained for filing the new fresh suit hence in view of the said withdrawal of suit

without permission debars the plaintiff from moving such type of application.”

It is contended that in the wake of objections raised, amendment prayed for could not be granted. But not just that, learned trial Court, while granting the amendment prayed for, completely lost sight of the said objections and thus, the order dated 24.09.2013 (Annexure P-9) deserves to be set aside on that score alone.

Having argued the matter at considerable length, learned counsel for the parties have reached a consensus that let the order dated 24.09.2013 (Annexure P-9) be set aside and the application moved by the respondent-plaintiffs, seeking amendment, be re-decided.

Accordingly, the order dated 24.09.2013 (Annexure P-9) is set aside and the learned trial Court is directed to re-decide the application for amendment, moved by the respondent-plaintiffs, strictly, in accordance with law, within a period of one month, from the receipt of the certified copy of this order. Needless to assert that this order shall not constitute any expression of opinion on the merits of the claim of either side.

Revision petition is disposed of in above terms.

03.12.2015

vandana

**(ARUN PALLI)
JUDGE**