

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No. 5774 of 2014 (O&M)

DATE OF DECISION : December 15, 2015

Mohinder Singh

..... PETITIONER(S)

VERSUS

Amrik Singh & ors.

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

**Present: Mr. Prateek Pandit, Advocate, for the petitioner.
Mr. A.S. Khinda, Advocate, for respondent No.1.**

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1. Whether Reporters of local newspapers may be allowed to see the judgment? YES/NO

2. To be referred to the Reporter or not? YES/NO

3. Whether the judgment should be reported in the digest? YES/NO

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ARUN PALLI, J. (Oral)

Vide order being assailed, dated 14.07.2014, rendered by Civil Judge (Junior Division), Kapurthala, application moved by defendant No.1-petitioner, under Order 6 Rule 17 of the Code of Civil Procedure, seeking amendment in the written statement had since been dismissed.

proposed amendment is that the suit filed by respondent No.1-plaintiff is barred under Order 2 Rule 2 of the Code of Civil Procedure. As the application was moved by defendant No.1-petitioner while his evidence was being recorded, trial Court declined the amendment prayed for as it would have changed the nature of the suit and resulted in retrial.

Having argued the matter at some length, learned counsel for the parties have reached a consensus that let the petitioner be only permitted to produce and place on record the order dated 07.10.2008, inter-se the parties, vide which the earlier suit preferred by plaintiff-Amrik Singh had been dismissed as withdrawn.

That being so, the revision petition is disposed of with a liberty to defendant No.1-petitioner to produce a copy of the order dated 07.10.2008, rendered by Civil Judge (Senior Division), Kapurthala, in a Civil Suit No.314 of 14.08.2007, and if, indeed, petitioner places on record any such order while leading his evidence, the same shall be evaluated by the trial Court, strictly in accordance with law, while drawing a final analysis of the matter, at the time of arguments.

DECEMBER 15, 2015
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(ARUN PALLI)
JUDGE