

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.6109 of 2012(O&M)
Date of decision: 03.09.2015

Thana Singh

... Petitioner

Versus

Ved Parkash and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. JPS Sidhu, Advocate, for the petitioner.
Mr. Rajinder Singla, Advocate for respondent No.6.

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?

ARUN PALLI J. (Oral)

Vide order being assailed, dated 13.09.2012, rendered by Additional Civil Judge (Sr. Divn.), Budhlada, the application moved by the petitioner-plaintiff, seeking amendment in the plaint as also in affidavit (Ex.PW3/A), has since been declined.

Vide a proposed amendment, what was sought to be pleaded by the petitioner-plaintiff was that the defendants had, in association with members of Arhtiya Association, inflicted injuries upon the person of the plaintiff on 17.01.2001 and his medical examination was conducted on 19.01.2001, but inadvertently, in pleadings the dates were mentioned as 17.01.2005 and 19.01.2005, respectively. And thus, the prayer for amendment. Likewise, in the examination-

in-chief tendered in the form of an affidavit, the dates were mentioned as 17.01.2006 instead of 17.01.2001 and 19.01.2006 instead of 19.01.2001, which too was liable to be corrected.

During the course of hearing, a consensus emerged between the counsel for the parties that insofar as the prayer for amendment in the plaint to plead that the occurrence was/is of 17.01.2001 and the plaintiff was medically examined on 19.01.2001 be granted. However, petitioner shall not be entitled to lead any evidence in this regard. But as regards the amendment in affidavit (Ex.PW3/A), the prayer being misconceived, thus, could not be countenanced. Learned counsel for the respondents asserts that the suit was filed almost nine years ago, and the negligence of the petitioner is writ large on the face of the record. Thus, he submits that the petitioner be burdened with suitable costs.

Accordingly, the revision petition is partly allowed and the order dated 13.09.2012 is set aside to an extent it declines the amendment that was prayed for. Consequently, amendment prayed for is granted, however, subject to costs of ₹ 10,000/-.

September 3, 2015
Rajan

(Arun Palli)
Judge