

118 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-6364-2015

Date of decision-28.09.2015

JASWINDER SINGH

...Petitioner

VS

JASPREET KAUR

...Respondent

CORAM:- HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Mr. Kashish Garg, Advocate
for the petitioner.

RAJ MOHAN SINGH, J (Oral)

Defendant is in revision petition against the order dated 19.05.2015 vide which an application under Order 6 Rule 17 CPC for amendment of Plaint has been allowed. Admittedly, suit is at initial stage. Plaintiff claims herself to be an illiterate lady and was married to one Gurwinder Singh. After the death of Gurwinder Singh on 03.05.2004 she contracted kareva marriage with the petitioner i.e. Jaswinder Singh. In the suit for declaration and permanent injunction, she has challenged the sale deed dated 11.06.2010, executed in favour of Jaswinder Singh being null and void. In this suit, she has moved an application for amendment of the plaint on the ground that earlier she could not mention factum of her kareva marriage with Jaswinder Singh due to clerical and technical mistake. Now the plea of plaintiff being kareva karta wife of Jaswinder Singh is sought to be incorporated in the plaint. Apparently, suit is at initial stage, no prejudice is going to be caused to the petitioner in the event of acceptance of application for amendment of plaint. It is a cardinal principle that all amendments should be allowed until and unless it causes irreparable loss to the party. The evidenciary value of such amendment is to be tested at the time of trial. Having considered the issue in question, no ambiguity is found in the impugned order, the revision is accordingly dismissed. Nothing expressed hereinabove would be construed to be an opinion on merits of the case.

September 28, 2015

**(RAJ MOHAN SINGH)
JUDGE**