

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

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**Civil Revision No.6605 of 2015
Date of Decision:07.10.2015**

Jasvir Kaur

....petitioner

Versus

Parminder Singh

.....respondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

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

Present: Mr.S.S.Kamboj, Advocate
for the petitioner

ARUN PALLI, J.(ORAL):-

Vide order being assailed, dated 31.08.2015, rendered by Civil Judge (Senior Division), Karnal, application moved by the respondent-husband under Order 6, Rule 17 CPC, seeking amendment in his petition, under Section 9 of the Hindu Marriage Act, 1955, has since been allowed.

The conclusion arrived at, in this regard, reads as thus:

"After hearing the rival contentions raised by learned counsel for both the parties and perusal of case file, this Court is of the considered view that though, issues in the present petition have been framed on 06.09.2014 but the proposed amendment does not change the nature of the petition, rather same is necessary for the just and

proper adjudication of the case and delay on the part of the applicant-petitioner to file the present application can be duly compensated by imposing of costs. Hence, the aforesaid misc.application is hereby allowed, subject to payment of ₹ 2500/- as costs. I have no doubt regarding the law laid down in J.Samuel and others versus Gattu Mahesh and others and Bahadur Singh and others versus Avtar Singh but the same are not applicable to the facts and circumstances of the present case. Now case is adjourned to 19.09.2015 for payment of costs and for filing of amended petition."

Ex facie, all what was sought to be pleaded by the respondent, vide a proposed amendment was that inadvertently in para No.2 of his petition, he had mentioned his status as "unmarried" at the time of marriage with the petitioner whereas, he indeed was a divorcee, post dissolution of his first marriage. So much so, even the petitioner does not dispute this position. That being so, the proposed amendment was merely clarificatory in nature and was sought to plead nothing but the truth. Concededly, issues are yet to be framed and the proceedings are still at the initial stage. The amendment prayed for, being crucial, was rightly granted by the Court.

That being so, no interference in exercise of revisional jurisdiction under Article 227 of the Constitution of India is warranted. The petition being devoid of merit is accordingly dismissed.

07.10.2015

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**(ARUN PALLI)
JUDGE**