

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 7008 of 2015

Date of decision : December 3, 2015

The Lahri Veeran Co-op.L/C Society Ltd.

..... Petitioner

Versus

Punjab State Power Corporation Ltd.and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Anil Chawla, Advocate
for the petitioner.

Ms. Meena Bansal, Advocate
for respondent Nos. 1 and 2.

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?

Amit Rawal, J (oral).

The petitioner-plaintiff is aggrieved of the order whereby an application filed under Order 6 Rule 17 CPC seeking amendment in the plaint for challenging the order of black listing which had been passed during the pendency of the suit, has been declined.

Mr. Anil Chawla, learned counsel appearing on behalf of the petitioner submits that the suit for declaration to the effect that allotment order vide which the plaintiff had been allotted the work of shifting domestic and commercial consumer meters as per the specifications, terms and conditions mentioned in the allotment letter have been correctly made according to the agreed rates as mentioned in the allotment and notice dated 24.12.2012 be declared illegal and null and void along with consequential relief of

permanent injunction was filed on 19.1.2013. During the pendency of the suit, respondents black listed the petitioner vide order dated 17.4.2013 and therefore moved an application, for amendment, which has, erroneously, been dismissed.

Ms. Meena Bansal, learned counsel appearing on behalf of the respondents submits that the application had been moved after 2 years of black listing of the petitioner, therefore it was actuated by delay and laches.

I have heard learned counsel for the parties and appraised the paper book.

It is a settled law that during the pendency of the suit, if any order is passed party should be permitted to amend the plaint as it would have far reaching consequences and effect, on the outcome of the suit. Since the petitioner-plaintiff has already sought declaration viz-a-viz during the pendency he has been black listed, it is therefore, essential and necessary to seek amendment and challenge the order of black listing and the view expressed by the trial court in declining the application, that it was actuated for delay and laches is not sustainable and is hereby set aside. The application filed under Order 6 Rule 17 CPC seeking amendment of the plaint by challenging the order of black listing the petitioner-plaintiff is allowed.

The revision petition is allowed.

(AMIT RAWAL)
JUDGE

December 3, 2015
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