IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No.7133 of 2014 (O&M)
Date of decision: 13.08.2015

Vipan Chander Nagpal ... Petitioner

Vs.

Ajay Nagpal ... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Rajiv Kataria, Advocate
for the petitioner

Mr. C.M.Munjal, Advocate
for the respondent.

AMIT RAWAL J. (Oral)

Challenge in the present petition is to the impugned order dated 21.07.2014, Annexure P-6, whereby, application seeking amendment of the replication, sought to be clarificatory in nature, has been declined.

Mr. Rajiv Kataria, learned counsel appearing on behalf of the petitioner-plaintiff submits that in the originally instituted replication, the petitioner had mentioned with regard to a family settlement dated 10.05.1984 Annexure 'D-1', and there is no dispute to the same but now the amendment sought is only clarificatory in nature, thus, such amendment will not alter the nature of the suit or

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the stand already taken in the replication.

Mr. C.M. Munjal, learned counsel appearing on behalf of the respondent submits that the trial has already begun and no amendment can be allowed at this stage. Such amendment should be sought earlier by exercising due diligence and, therefore, impugned order is fair, legal and no interference is warranted.

I have heard learned counsel for the parties.

The amendment sought as incorporated in the replication reads thus:-

> *"Execution of the alleged family settlement dated 10.05.1984 is being denied as there was no such family settlement arrived either orally or otherwise in the family. The alleged photocopy of a document being placed on record is not admissible in evidence and the said document is nothing but a forged and fabricated document"*
>
> *The above said line may please be allowed to be added in para no.3 of the reply to the preliminary objections at page 8 on the top after the line ending with "...that shed and plots in dispute", and similarly, the same may be allowed to be added in para no.1 of the reply to the written statement on merits at page 12 of the replication at the top of page 12 immediately before 'The alleged family settlement dated 10.05.1984*."

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On going through the amendment sought to be incorporated in the replication, there seems to be no withdrawal of the admission which has erroneously been observed by the trial Court. The amendment is only clarificatory in nature.

Accordingly, the impugned order is set aside. The present revision petition is allowed. The amendment sought by the petitioner-plaintiff is allowed as no prejudice is going to be caused to the respondent-defendant. Petitioner is directed to file the amended replication within a period of 10 days from the date of receipt of certified copy of this order.

(AMIT RAWAL)
JUDGE

August 13, 2015
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