

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

Civil Revision No.7270 of 2014

Date of decision:10.09.2015

Rajinder Singh

... Petitioner

versus

Kirpal Singh Randhawa and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Rakesh Gupta, Advocate,
for the petitioner.

Ms. Vandana Malhotra, Additional Advocate General,
Punjab, for respondent No.2.

Mr. Kanwalvir Singh Kang, Advocate,
for respondent No.6.

Mr. R.S. Bains, Advocate.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ?No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. The plaintiff, who filed a suit for damages for malicious prosecution after the commencement of the trial of the suit, filed an application for amendment of written statement taking up legal pleas relating to bar of limitation, insufficiency of court fee, requirement of imposition of compensatory costs and bar of misjoinder, and also brought about several issues of fact. The law relating to amendment

has undergone a change in restricting it to be possible only in respect of matters of facts which was not already in the knowledge of the parties in spite of due diligence. By strict application of this principle, the amendment which is now being brought cannot be entertained at all. I have gone through the amendment which is sought to be brought and there would all appear to be several issues of facts which could be relevant and which could even be treated as matters of evidence for which even special pleadings may not be necessary in terms of Order 6 Rule 2 CPC. However, if the defendant would want the luxury of all the amended statement that has unnecessarily hampered the course of trial and brought the plaintiff to this court to contest, I would allow for such an exercise for amendment on payment of costs of ₹ 20,000/- to be paid to the plaintiff as a condition precedent for allowing the application for amendment. I have applied yet another salutary principle in allowing the amendment that the courts will be more liberal for allowing the written statement of a defendant than allowing the pleadings of a plaintiff. If the cost is not paid within a period of 4 weeks, the order already passed will stand restored.

2. Civil revision stands disposed of as above.

(K.KANNAN)
JUDGE

10.09.2015
sanjeev