

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.7735 of 2015
Date of decision: 19.11.2015

Renu Arora and another

... Petitioners

Versus

Rajiv Arora and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Surinder Sharma, Advocate, for the petitioners.

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?

ARUN PALLI J. (Oral)

Vide order being assailed, dated 12.10.2015, rendered by Civil Judge (Jr. Divn.), Amritsar, the application moved by the petitioners, under Order 6 Rule 17 of the Code of Civil Procedure seeking amendment in the written statement, had since been dismissed. The reasons assigned in support of its order read as thus:

“2. After hearing both the parties and going through the record this court is of the considered view that the case was fixed for cross-examination of DW1 i.e. Renu Arora on 26.02.2015 and on 24.04.2015 the counsel for the defendant filed this present application. This case is pertaining to the year 2011. Allowing this application at this stage of

the suit would prolong the litigation as it would lead to denovo trial. More so, the fact in the written statement sought to be amended by the defendant is not necessary as the same can be brought in evidence by the defendant. Hence the present application is hereby dismissed. Now to come up on 05.11.2015 for cross-examination of DW1 and remaining evidence of defendants.”

Ex facie, nothing is indicated as to what was/is the issue involved in the suit and the nature of the proposed amendment. And, consequently, whether the amendment prayed for has any bearing on the matter in issue, would that enable the court to arrive at a just and fair decision in the matter. Or the proposed amendment was wholly misconceived and could not be granted for certain reasons. That being so, the order under challenge is said to be struck down on that score alone.

Accordingly, the revision petition is accepted and the order dated 12.10.2015 is set aside, without issuance of notice to the respondents, to avert any further delay, and the expenses that they shall have to incur to defend these proceedings. Trial court shall re-decide the application moved by the petitioner, strictly in accordance with law, and pass an order afresh within three weeks from the receipt of certified copy of this order.

Needless to assert, this order shall not constitute any expression of opinion as regards the merit of the case of either party.

November 19, 2015
Rajan

(Arun Palli)
Judge