

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.7841 of 2015 (O&M)
Date of decision:26.11.2015

Vikas Sharma

... Petitioner

Vs.

Swatantar Parkash and another

... Respondents

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. Hemender Goswami, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Petitioner-defendant No.1 is in revision petition against the impugned order dated 13.10.2015 (Annexure P-1), whereby, application seeking intervention of the trial Court to decide the application dated 02.12.2008 filed under Order 6 Rule 17 CPC and reply of which was filed on 15.01.2009, has been allowed and petitioner-defendant No.1 has been called upon to file the amended written statement.

Mr. Hemender Goswami, learned counsel appearing on behalf of petitioner-defendant No.1 submits that application was filed at the belated stage when the suit has reached at the stage of final arguments. Even arguments in part were heard, therefore, Court ought not to have allowed application.

I have heard learned counsel for the petitioner-defendant No.1 and appraised the paper book.

It is a matter of record that application under Order 6 Rule 17 CPC seeking amendment was filed on 02.12.2008 but somehow, after seeking reply, there was no adjudication of the same. The said application as per trial Court record was filed prior to leading of the evidence by the respondent-plaintiff.

It is also a matter of record that plaintiff impugned the interim order declining the application under Order 39 Rules 1 and 2 CPC by filing an appeal and the lower Appellate Court also decided the appeal on the premise that amendment of the plaint has also been allowed. Even issues were framed on the basis of the amended plaint, much less, the evidence has also been led. In such circumstances, the Court found that the trial of the suit continued on the premise that amendment has already been made, thus, in my view, the impugned order cannot be said to have been passed without jurisdiction.

Accordingly, the revision petition is dismissed.

(AMIT RAWAL)
JUDGE

November 26, 2015
savita