

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 7867 of 2013
Date of decision : November 2, 2015

Baldev Singh and another

..... Petitioner

Versus

Sukhchain Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Chander Kant Rana, Advocate for
Mr. Satbir Rathore, Advocate
for the petitioner.

Mr. R. S. Chauhan, Advocate
for the respondent No.1.

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 challenge in the present petition is to the order dated 5.12.2013 (Annexure P-5) whereby the application seeking amendment of the plaint for incorporating two words “except in due course” in head note and relief clause and word “no” in paragraph 3 of the plaint has been dismissed.

Learned counsel appearing on behalf of the petitioner submits that the amendment sought is most innocuous and would not cause any pre judice to the respondents or tantamounts to withdrawing of the petition. In essence, it is essential and necessary for adjudication of the controversy pending suit.

Learned counsel appearing on behalf of the

respondents submits that the application has been filed at a belated staged and after the trial when the matter had reached the stage of arguments. In case, the amendment is allowed, the petitioner-plaintiff would seek the evidence as he would be confronted with an objection to incorporate a plea without there being a notice and therefore, it would tantamount to de novo trial.

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

Since the suit has already reached the stage of arguments, I am of the view that in case the amendment sought as noticed above, is allowed, it would not alter the nature of the suit, much less is most innocuous as by doing so the petitioner-plaintiff shall be entitled to lead fresh evidence.

The impugned order is set aside. The application seeking amendment is allowed. The petitioner-plaintiff shall file the amended plaint within one week from the date of receipt of certified copy of this order and thereafter an opportunity shall be given to the defendant to file amended written statement. Thereafter, the trial court shall decide the suit on the basis of evidence already lead.

The civil revision is accordingly allowed.

(AMIT RAWAL)
JUDGE

November 2 , 2015
archana