

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

119-a

**Civil Revision No.8104 of 2015(O & M)
Date of Decision:17.12.2015**

Krishan Kumar Jangu

....petitioner

Versus

Jug Lal

.....respondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

- 1.Whether Reporters of local papers may be allowed to see the judgement?
2.To be referred to the Reporters or not?
3.Whether the judgment should be reported in the Digest?**

Present: Mr.J.S.Hooda, Advocate
for the petitioner

ARUN PALLI, J.(ORAL):-

Vide order being assailed, dated 07.11.2015, rendered by District Judge, Gurgaon, applications moved by the respondent-plaintiff under Order 6 Rule 17 CPC, seeking amendment in the plaint as also in an application that was moved for amendment had since been accepted. The conclusion arrived at by the learned District Judge, reads as thus:

“After hearing both the sides and careful perusal of record, I am of the considered view that both the applications are maintainable. The proposed amendment in the plaint is a clarificatory in nature and it would not change the nature of suit. The said Khasra No. 73//6/1/1/15 has been mentioned in the site plan Ex.P1 and also in the jamabandi for the year 2005-06. However, it is other matter whether the suit property is proved to be a part of said khasra

number. The proposed amendment which is only for giving the better particulars of the suit property is necessary to determine real controversy between the parties and even it can be allowed at the appellate stage in view of the law laid down in the authority 1988 Civil Court Cases(P & H) 461 (Supra) relied upon by learned counsel for the applicant. No prejudice is going to be caused to the respondent in allowing the proposed amendment.”

Concededly, the case out by the respondent in the eviction petition was that he was the lawful owner of the market known as Barwal Market situated at Bajghera Chowk, at village Choma, Tehsil and District Gurgaon. Though, the khasra No.i.e.73//6/1/5 in which the said market is situated is duly depicted in the site plan appended with the eviction petition as also in the jamabandi for the year 2005-06 on record but was somehow not mentioned in the plaint. Therefore, all what was sought to be pleaded by way of proposed amendment was the khasra number, in which the said market was situated. But as in the application itself, seeking amendment in the plaint, rather than pleading; “khasra No.73//6/1/1/5”, petitioner mentioned khasra No.73//6/1, the necessity arose to move a second application, seeking rectification of the said error. Ex facie, the amendment that has been granted is purely clarificatory in nature and would enable the Court to arrive at a just and fair decision in the matter. Further, it causes least prejudice to the petitioner. The petition being devoid of merit is accordingly dismissed.

17.12.2015

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(ARUN PALLI)
JUDGE