

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 8049 of 2014(O&M)
Date of decision : November 20, 2015

Kulwant Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. V. K. Shukla, Advocate
for the petitioner.

Mr. P. S. Bajwa, DAG., Punjab

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 petitioner-plaintiff is in revision against the order declining the application seeking amendment of paragraph 5 of the plaint.

Learned counsel for the petitioner-plaintiff submits that during the pendency of the suit petitioner-plaintiff acquired the knowledge that the benefit of military service had been granted to similarly situated persons and in order to avoid the objections, the aforementioned amendment would be necessary. In case, the petitioner-plaintiff seeks indulgence of the trial court for moving a document by way of additional evidence or by any other mode, he

may not be confronted with an objection, evidence being lead beyond pleadings. Thus, prays that the amendment sought is most innocuous and it would not alter the nature of the suit.

Mr. P. S. Bajwa, DAG., Punjab submits that the application for amendment has been sought at the fag end of the suit, which is not permissible. Even the application is lacking compliance of provisions of Order 6 Rule 17 CPC as it does not reflect the expression “despite exercise of due diligence”. Thus, the application had rightly been dismissed and there is no substance in the revision petition.

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

In order to avoid multiplicity of litigation as well as delay of adjudication of the suit, inasmuch as in case the petitioner is allowed to amend the suit, he would be seeking indulgence of the trial court to move an application for allowing to lead additional evidence viz-a-viz amendment as there is no rebuttal issue.

In my view, the petitioner can invoke the provisions of Order 12 CPC by issuing notice to the other side admitting the benefit given to the similarly situated persons. The provisions of Order 12 prescribes procedure. In case the reply is not given within the specified period the evidence of documents sought to be admitted would be deemed to be admitted.

In view of such situation, I do not intend to interfere with the finding rendered by the trial court. However, liberty is granted to the petitioner to invoke the provisions of Order 12 CPC.

With the aforementioned observations the revision
petition stands disposed of.

(AMIT RAWAL)
JUDGE

November 20 , 2015
archana