

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

CR No. 8768 of 2014

Date of Decision: 24.03.2015

M/s Mahaveer Packaging Industries

.....Petitioner

Vs.

Satyavir Sharma

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Jagjot Singh, Advocate, for
Mr. Kunal Dawar, Advocate,
for the petitioner.

Mr. Partik Rana, Advocate,
for the respondent.

SABINA, J.

Petitioner has filed this petition challenging the order dated 16.10.2014, whereby the application moved by the petitioner, under Order 6 Rule 17 of the Code of Civil Procedure 1908 (CPC in short) for amendment of the plaint was rejected.

I have heard learned counsel for the parties and have gone through the record available on the file carefully.

Petitioner has filed suit for declaration with consequential relief of permanent injunction. The suit was filed by the M/s Mahaveer Packaging Industries through its Proprietor Sh. Sunil Kumar Sharma. By way of amendment, petitioner only wants to change the title of the suit as Sunil Kumar Sharma, Proprietor, Mahavir Packaging. Admittedly the said application was moved at the stage when the evidence of the plaintiff had

not started. The amendment sought by the petitioner would not change the nature of the suit.

In these circumstances, the trial Court fell in error while dismissing the application, moved by the petitioner seeking amendment of the title of the plaint. Accordingly, this petition is allowed. Impugned order dated 16.10.2014 is set aside. Consequently, the application moved by the petitioner under Order 6 Rule 17 CPC is allowed.

**(SABINA)
JUDGE**

March 24, 2015
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