

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

Civil Revision No.952 of 2014 (O&M)

Date of decision: 21.04.2015

Puran and others

... Petitioners

versus

Smt. Hanso Devi and others.

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Karamveer Singh Banyana, Advocate,
for the petitioners.

Mr. Bhag Singh, Advocate,
for the respondents.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ? No.

K.Kannan, J. (Oral)

1. The suit for declaration was on a plea that there is no mortgage subsisting and the entry regarding the subsistence of mortgage is not correct came with an application for amendment at the fag end of trial after 7 years that if the mortgage is found to be still subsisting, the plaintiffs were prepared to pay the amount due under the mortgage. This, according to the defendant, ought not to have been allowed, for, the nature of suit is changed and the principles of amendment after the commencement of trial as brought

down through the amended provisions of the Civil Procedure Code are flouted.

2. I would find the amendment to be wholly inconsequential in so far as it would not cause any prejudice to the defendant. If the court had thought it fit to allow for the amendment to bring out the final resolution of the actual disputes between parties, I will find no cause for intervention in revision under Article 227 unless the order was illegal or was in any way grossly prejudicial to the person against whom the said order was passed. I find nothing for intervention and maintain the order.

3. The petitioners will be at liberty to file an amendment to the statement or additional statement in the manner contemplated under Order 8 Rule 9 CPC in so far as it is relevant for the amended pleadings. The civil revision is dismissed but with the above observations and liberty granted to the petitioners.

(K.KANNAN)
JUDGE

21.04.2015
sanjeev