

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Review Application No. 123-CII of 2015 in
Civil Revision No. 2125 of 2015 (O&M)
Date of decision: 10.8.2015

Rajeev @ Radhe Shyam and others

**..Non-applicants/
petitioners**

v.

Chander Parkash

**.. Applicant/
respondent**

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. S. S. Goripuria, Advocate for the applicant-
respondent.

Mr. Sumit Gupta, Advocate for the non-applicants/
petitioners.

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Rajesh Bindal J.

The review of the order passed by this court on 11.5.2015 has been sought on the ground that the fact that issues had not been framed, when the application for amendment of the written statement was filed, has been wrongly noticed in the order and on that basis only, the petition was allowed.

Notice in the review application was issued.

Learned counsel for the non-applicants/petitioners did not dispute the aforesaid fact. However, he submitted that the amendments being sought were not strictly the amendments, rather one was typographical error and another was clarificatory. At at one place, instead of 'legal heirs', 'illegal heirs' was mentioned and at another place, the area in

possession of the parties was sought to be specified. It was also submitted that till such time the application for amendment of the written statement was filed, no evidence had been led by the plaintiff.

Heard learned counsel for the parties and perused the paper book.

No doubt, while passing the order on 11.5.2015, review of which has been sought, it has been inadvertently noticed that when the application for amendment of the written statement was filed, even the issues had not been framed, whereas the issues had, in fact, been framed on 16.7.2014 and the application for amendment was filed on 10.11.2014. It is not in dispute that by the time the application for amendment of the written statement was filed, no evidence had been led by the plaintiff. The first amendment sought was only for correction of typographical error for correcting the words “illegal heirs” to “legal heirs”. The second amendment was also clarificatory in nature in the sense that specific areas in possession of different parties was specifically mentioned in the written statement already filed. However, the same was sought to be identified in the site plan with demarcation and colour.

Considering the stage of the suit and the kind of amendment sought in the written statement, in my opinion, the non-applicants/petitioners deserved to be granted the same.

Accordingly, while correcting the inadvertent error of fact noticed in the order passed on 11.5.2015, the present review application is disposed of while maintaining the final order, namely, allowing the application for amendment of the written statement filed by the non-applicants.

(Rajesh Bindal)
Judge

10.8.2015
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