

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 3349 of 2016

Date of Decision: 11.05.2016

Namita Puri

... Petitioner(s)

Versus

Kajal Goel

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

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| 1. | Whether reporters of local newspapers may be allowed to see judgment? | Yes |
| 2 | To be referred to reporters or not? | |
| 3 | Whether the judgment should be reported in the Digest? | Yes |

Present: Mr. Vishwajeet Bedi, Advocate
for the petitioner(s).

Shekher Dhawan, J.

Present petition under Article 227 of the Constitution of India for setting aside order dated 21.12.2015, passed by learned Civil Judge (Junior Division), Ludhiana, whereby application under Order 6 Rule 17 CPC, filed by the plaintiff for amendment of plaint, was allowed.

Learned counsel for the petitioner submitted that the Court below failed to consider that Order 2 Rule 2 CPC requires that plaintiff must include their entire claim in respect of the cause of action. If she relinquishes any portion of her claim, she shall not be allowed to sue in respect of that portion, whereas in the present case, plaintiff has intentionally failed to include the amount of ₹ 96,000/- in head note of the plaint as well as in paragraph Nos. 5, 6 & 8 thereof and Order 2 Rule 2 CPC puts a complete bar to sue in respect of the portion, so

relinquished. However, the Court below has completely ignored this aspect while passing order under challenge and as such the same be set aside.

Having considered the submissions made by learned counsel for the petitioner and perusal of the record of the case as well as the impugned order, this Court is of the considered view that vide application for amendment of plaint, plaintiff had taken the plea that at the time of filing of suit, plaintiff had not added the amount of stamp papers in the principal amount, which comes to ₹ 96,000/-. The said stamp papers were purchased, after the respondent asked the plaintiff to purchase the same and to give for registration and that application for amendment was allowed by the Court below. The present case is not covered under Order 2 Rule 2 CPC because plaintiff has not included any claim or relinquished any claim in the plaint for which there is a bar for pursuing the same as per the provisions of Order 2 Rule 2 CPC. The Court below has rightly taken the view that plaintiff wants to incorporate the value of stamp papers in the original plaint and such an amendment should be allowed because the law of procedure is meant for advancement of justice. There is absolutely no illegality in the order under challenge.

Consequently, present petition is without any merit and the same stands dismissed, *in limine*.

(Shekher Dhawan)
Judge

May 11, 2016

"DK"