

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

C.R.No.5041 of 2013 (O&M)

Date of Decision: January 18th, 2016

Vishvas (Vishav Adhyatmik Sangh) Shiksha Board, Hissar

...Petitioner

Versus

Anil Kakkar & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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?

Present: Mr.V.K.Jindal, Senior Advocate with
Mr.Amardeep Sheoran, Advocate,
for the petitioner.

Mr.O.P.Gupta, Advocate,
for the respondents.

AMIT RAWAL, J. (Oral)

The petitioner-plaintiff is aggrieved of the order dated 8.8.2013 (Annexure P-11), whereby the application seeking changing the name of the plaintiff has been declined.

Mr.V.K.Jindal, learned Senior counsel assisted by Mr.Amardeep Sheoran, Advocate appearing on behalf of the petitioner-plaintiff, has drawn the attention of this Court to the notice of motion order dated 22.8.2013, which reads thus:-

“Counsel for the petitioner contended that the suit was filed in the name of Vishvas (Vishav Adhyatmik Sangh) Shiksha Board as plaintiff because it was the registered society at that time vide registration certificate no.2694 of 1987-88, but during

pendency of the suit, the plaintiff changed its name to Visvas Education Board and accordingly revised registration certificated dated 23.05.2013 Annexure P-8 has been issued by the registering authority and consequently proposed change of name of the plaintiff from Vishvas (Vishav Adhyatmik Sangh) Shiksha Board to Visvas Education Board, should have been allowed.

Notice of motion to respondents no.1 to 5 only for 08.11.2013 (the remaining respondents being ex parte in the trial Court).

Respondents no.1 to 5 be also served through their counsel in the lower Court namely Mr. Dewan Sawhney, Advocate, Kurukshetra.

Meanwhile passing of final judgment by the trial Court shall remain stayed.

The petitioner shall place on record copy of registration certificate no.2694 of 1987-88.”

In the notice of motion order, the Court noticed the contention that during the pendency of the suit, plaintiff changed its name to Vishvas Education Board and sought to place on record revised registration certificate dated 23.5.2013 (Annexure P-8), but the same has been declined vide impugned order. It has been further submitted that the aforementioned amendment will not change the nature and cause of action, rather it would help the Court in deciding the controversy between the parties to the lis.

Mr.O.P.Gupta, learned counsel appearing on behalf of the respondent-defendants submits that the application was not maintainable as it has been filed to fill up the lacunae. Since both the Societies, namely, Vishvas (Vishav Adhyatmik Sangh) Shiksha Board and Vishvas Education Board are running since beginning, the trial Court has rightly declined the application by holding that both the Societies are running since beginning,

thus, it does not merely change the name of the plaintiff.

I have heard the learned counsel for the parties and appraised the paper book and am of the view that the revision petition deserves to be allowed.

The trial Court has rendered a finding as if there are two societies running from the beginning. However, the said finding is contrary to the record of paper book inasmuch as that earlier registration number of Vishav (Vishav Adhyatmik Sangh) Shiksha Board was 2694 and only the name of the society has been changed, whereas the registration number remains the same, which fact is evident from Annexure P-8, whereby the office of the District Registrar has issued the revised certification of registration in the name of Vishvas Education Board bearing same very registration number.

Keeping in view the aforementioned facts, I find that the impugned order suffers from illegality and perversity and, therefore, the same is set-aside and the application seeking amendment of the plaint by incorporating the aforementioned change owing to the subsequent registration certificate issued on 23.5.2013, whereas the suit had been filed on 8.10.2005.

The revision petition stands allowed.

January 18th , 2016
ramesh

(AMIT RAWAL)
JUDGE