

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

CR No.5279 of 2013

Date of decision : 15.03.2016

M/s Ram Marketing Company

...Petitioner

Versus

Kishori Lal Balu and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

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

Present: Mr. Navdeep Chhabra, Advocate for
Mr. Amit Saini, Advocate for the petitioner.

AMIT RAWAL, J. (Oral)

This case is of the year 2013 against the order declining the amendment of the written statement.

This Court vide order dated 02.09.2013, while issuing notice of motion passed the interim order. It has surfaced during the pendency of the revision petition that respondent Nos.1 to 6 have left the country and residing abroad. Even notice has been issued to them. Service was ordered to be effected through counsel but the report came that attorney has also died. As per the previous order, respondent was ordered to be served through Embassy and registered A.D. Cover. As per the report, role of the

Indian Embassy comes into play only in respect of service of summons in criminal matter but not in civil matter.

I have gone through the impugned order, whereby petitioner-defendant sought amendment of the written statement to be incorporated in the suit for recovery of arrears of rent i.e. lines in preliminary objection No.4, para Nos.3 and 5 of the written statement vis-a-vis ascertaining the factum of the receipt of the payment of rent for which the recovery of arrears of rent, is being sought. The application was moved at the stage when the cross-examination of the respondent-plaintiff was being done. The trial Court dismissed the application holding it to be adoption of delaying tactics. Since, petitioner-defendant is yet to lead evidence, the amendment sought to be incorporated is innocuous and would not alter or change the nature of defence, much less, it is elucidative and elaborative in nature which will help the Court in adjudication of the controversy. The petitioner-defendant shall be able to prove it, on the other hand, respondent-plaintiff would be able to rebut by asking questions in the cross-examination.

Keeping in view the aforementioned facts and circumstances, impugned order dated 16.08.2013 is set aside. Amendment in the written statement is allowed to be incorporated.

Revision petition stands allowed.

15.03.2016

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**(AMIT RAWAL)
JUDGE**