

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.5490 of 2016
Date of decision: August 27, 2016

Balwan Singh ...Petitioner

Versus

Mahesh and another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sudhir Aggarwal, Advocate for the petitioner.

Rajan Gupta, J.

Present revision is directed against the order dated 06.08.2016, passed by the trial court whereby application U/O 6 Rule 17 CPC filed by the petitioner for amendment of plaint has been rejected.

Learned counsel for the petitioner has assailed the order. He submits that there are certain subsequent events which have now come to the notice of the petitioner. As per provisions of Order 6 Rule 17 CPC, application for amendment can be allowed at any stage.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears, petitioner/plaintiff filed a suit for recovery of Rs.98,96,142 against the defendant/respondents. It was instituted in the year 2012. The suit was contested by the respondents. However, when the case was nearing its culmination i.e. at the stage of arguments, instant application was moved by the petitioner to amend the plaint. Petitioner

claimed that respondents had taken a loan from the bank and on their asking, petitioner gave security/guarantee of the said loan amount. In furtherance thereof, respondents executed an agreement reflecting the loan amount and issued a cheque No.847170 dated 1.8.2011 for a sum of Rs.90.00 lacs as security. At the time of filing suit, this fact could not be incorporated in the plaint. Trial court has rejected the prayer observing that amendment was wholly unnecessary and would prolong the proceedings. I find no legal infirmity with the order. Suit has not only commenced but is about to culminate. The petitioner should have been cautious about his case. Application for amendment of plaint has been moved at a very belated stage just to delay the proceedings unnecessarily. Thus, proviso to Order 6 Rule 17 CPC would not be attracted to the case. The revision petition is, thus, without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

August 27, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No