

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 5949 of 2015
Date of decision : April 5, 2016

Punjab Wakf Board

..... Petitioner

Versus

Gurchetan Singh

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Gulam Nabi Malik, Advocate
for the petitioner.

Mr. Malkeet Singh, Advocate
for the respondent.

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?

Amit Rawal, J (oral).

The petitioner-plaintiff is aggrieved of the dismissal of the application filed under Order 6 Rule 17 CPC seeking amendment of the plaint at final stage of the suit.

Learned counsel for the petitioner submits that due to inadvertence correct khasra number could not be mentioned. He further submits that he does not want to lead any fresh evidence, thus the amendment sought is clarificatory in nature to help the court in deciding the controversy between the parties to the *lis* subject to terms and conditions which this Court will impose.

Learned counsel for the respondents submits that the application was filed as per un-amended provisions of CPC. As

per the amended provisions of CPC there are yard sticks to seek amendment of the plaint, thus, urges this court to uphold the order.

I have heard learned counsel for the parties, appraised the paper book and of the view that since the petitioner-plaintiff has undertaken not to lead any fresh evidence, it would not tantamount to denovo of the trial. The amendment of khasra number would not affect the nature of the case as it is illustrative in nature and it will help the court in deciding the matter pragmatically. Since the petitioner has moved the application at the fag end of the trial, I intend to impose costs of ₹10,000/-.

Accordingly, the impugned order is set aside with a condition that the petitioner-plaintiff shall not lead any fresh evidence. The trial court would take up the case from the stage at which it was listed.

The costs shall be paid to the learned counsel for the respondents in the High Court.

The civil revision stands allowed.

(AMIT RAWAL)
JUDGE

April 5 , 2016
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