

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

**CR No.5994 of 2016 (O&M)
Date of decision : 03.11.2016**

Rakesh Kumar and others

.....Petitioners

Versus

Mahender Kumar and another

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Yash Paul Khullar, Advocate for petitioners.
Mr. Tanmoy Gupta, Advocate for respondent No.2.

DARSHAN SINGH, J. (Oral)

As per the report of the office, respondent No.1 has been duly served, but none is present on his behalf.

2. I have perused the impugned order dated 05.07.2017 passed by learned Civil Judge (Junior Division), Hodal, which shows that the application under Order 6 Rule 17 of the Code of Civil Procedure, 1908 moved by the petitioners for amendment of plaint has been dismissed on the technical ground that the proposed amendment was not mentioned in the application for amendment of plaint.

3. Learned counsel for the petitioners states that along with the application for amendment of plaint, the petitioners had also filed the proposed amended plaint, but that had not been taken into consideration by the learned trial Court.

4. Be that as it may, it is apparent that the application for amendment of the plaint moved by the petitioners has been simply dismissed on the ground that the proposed amendment was not mentioned in the application, which is purely a technical ground and the plea of the petitioners for amendment of the plaint has not been adjudicated on merits. So, the present revision petition is hereby disposed of with liberty to the petitioners to move the fresh elaborated application for amendment of plaint with better particulars before the learned trial Court and that application shall be adjudicated upon by the learned trial Court on merits after obtaining the replies by the respondents.

03.11.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No