

CR-6211-2014

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

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Date of Decision: 06.01.2016

Jagtar Singh and others

... Petitioner(s)

Versus

Gurdeep Singh and another

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

- 1) Whether Reporters of the 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. Amit Dhawan, Advocate,
for the petitioners.

Mr. Ramesh Sharma, Advocate,
for the respondent.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant revision has been filed under Article 227 of the Constitution of India for setting aside the order dated 15.07.2014 (Annexure P-10) passed by learned Addl. Civil Judge (Sr. Divn.), Nakodar whereby application filed by respondents-plaintiffs under Order 6 Rule 17 read with Order 1 Rule 10 CPC has been allowed.

I have heard learned counsel for the parties and perused the record.

Respondents-plaintiffs filed suit for permanent injunction restraining the petitioners-defendants from interfering in the peaceful

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possession over the disputed property or alienating it. During the pendency of suit, the respondents filed application for amendment of plaint and impleading other persons as parties. In pursuance of that application, the petitioners were afforded opportunity to file reply. The Civil Court after considering the material on record allowed the said application.

It is now well settled by various decisions of the Hon'ble Apex Court as well as High Courts that the courts should be liberal in granting the prayer for amendment of pleadings unless serious injustice or irreparable loss is likely to be caused to the other side or that the prayer for amendment is not a *bona fide* one. Moreover, rules of procedure are intended to be handmaid to the administration of justice. A party cannot be refused just relief merely because of some mistake, negligence, inadvertence or even infraction of the rules of procedure. The Court always gives leave to amend the pleading of a party, unless it is satisfied that the party applying was acting mala fide, or that by his blunder he had caused injury to his opponent which may not be compensated by an order of costs. Howsoever negligent or careless may have been the first omission and howsoever late the proposed amendment, the amendment may be allowed if it can be made without injustice to the other side. Mere delay in making an amendment application, itself, is not enough to refuse amendment, as for delay other party can be compensated in terms of money. Amendment is to be allowed when it does not cause serious prejudice to the opposite side.

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By allowing the application, suit land has not been changed and relief of declaration has been sought qua the rights of the petitioners against the already arrayed defendants and others who have been ordered to be impleaded as party. The suit is at the initial stage and no prejudice is to be caused to the petitioners.

In view of above, I do not find any illegality or perversity in the impugned order.

Dismissed.

06.01.2016
parveen kumar

(Paramjeet Singh Dhaliwal)
Judge