

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.6612 of 2016
Date of decision:03.10.2016

Charanjit Kaur

... Petitioner

Vs.

Avtar Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Shamsheer Singh Gill, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Petitioner – defendant is aggrieved of the impugned order dated 12.09.2016 (Annexure P-6), whereby, an application seeking amendment of the written statement at the stage of plaintiff's evidence, has been dismissed.

Mr. Shamsheer Singh Gill, learned counsel appearing on behalf of the petitioner-defendant submits that the amendment sought was most innocuous. In paragraphs 2 and 7 of the written statement, instead of word, “defendant”, “plaintiff” has inadvertently been incorporated. Accordingly, an application was moved for amendment of the written statement which has been dismissed on the ground of delay and non-compliance of expression “despite exercise of due diligence”. He further submits that the amendment sought will not alter the nature of the defence and withdrawal of the admission, much less, no prejudice would be caused to the respondent-plaintiff.

I have heard learned counsel for the petitioner-defendant and

appraised the paper book and of the view that amendment sought as noticed above to incorporate the word “defendant” and delete the word “plaintiff” in paragraphs 2 and 7 of the written statement and in 8th line of para no.2 word “defendant” is to be deleted and word “plaintiff” to be added, will not change the nature of the defence, much less withdrawal of the admission. No prejudice would be caused to the respondent who shall be compensated in terms of costs.

I refrain myself from issuing notice of motion to other side/respondent as it would unnecessarily delay the adjudication of the lis, much less, to defray the costs of litigation.

Accordingly, the revision petition stands allowed, subject to payment of costs of ₹5,000/- which shall be a condition precedent.

(AMIT RAWAL)
JUDGE

October 03, 2016
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No