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

**FAO-3557-2009 (O&M)
Date of decision : 12.01.2016**

The Punjab State Cooperative Supp. & Makt. Fed. Ltd. and
another

...Appellant

Versus

M/s Shakti Rice Mills, Kotkapura and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Ms. Deepali Puri, Advocate
for the appellant.

Mr. Surinder Garg, Advocate
for respondent No.1.

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)

CM-30760-CII-2011

Prayer in this application is for replacing the grounds of
appeal on the ground that due to inadvertence the grounds of
appeal of other matter has been filed.

Mr. Surinder Garg, learned counsel appearing on
behalf of respondent No.1, has opposed the aforementioned

application on the ground that the application framed and filed under Section 151 of the Code of Civil Procedure, is not maintainable as the remedy only is to seek the amendment of memorandum of appeal and in case, application in hand is allowed, the appeal would apparently be time barred.

I have heard the learned counsel for the parties.

Non-mentioning of the correct provisions of law, should not come in the way of the party seeking for vindication of the grievance, though the application has been filed under Section 151 CPC, whereas it should have been for amendment of the memorandum of appeal, accordingly, I treat the application as seeking of memorandum of appeal.

Accordingly, the application is allowed and the amended memorandum of appeal is taken on record.

FAO-3557-2009

The appeal is allowed in terms of **FAO No.2637 of 2009** titled as "***The Punjab State Cooperative Supp. & Makt. Fed. Ltd. and another V/s M/s Radha Cotton Factory and another***" decided on 12.01.2016.

12.01.2016
yogesh

(AMIT RAWAL)
JUDGE