

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

CR No.2529 of 2016

Date of decision : 21.11.2017

Krishana Jain and another

...Petitioners

Versus

M/s Modern Motors India and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanjay Jain, Advocate for the petitioners.

Mr. Sudhir Paruthi, Advocate for the respondents.

ANIL KSHETARPAL, J. (ORAL)

The plaintiffs-petitioners are in revision petition against the order dated 10.03.2016 dismissing the application filed under Order 6 Rule 17 CPC seeking amendment of the plaint.

The only prayer made for amendment is to correct the description of the defendants in the title of the suit. The proposed amendment is as under:-

“(i) M/s Modern Motors India, 149, Ram Bagh Colony, Behind TPT Nagar, Jalandhar through its proprietor.

(ii) Surjit Singh, Proprietor M/s Modern Motors India, 149, Ram Bagh Colony, Behind TPT Nagar, Jalandhar.”

Learned trial Court has dismissed the application on the ground that the trial has started. In considered opinion of this Court, when the amendment is only for correction of the description of the party or title of

the case, the same can be allowed at any stage. Such amendment only facilitate the Court in deciding the case. Such amendment is neither changing the nature of the suit nor has in anyway affecting adversely the interest of the defendants.

For the reasons recorded above, impugned order dated 10.03.2016 is set aside. The application filed under Order 6 Rule 17 CPC seeking amendment of the plaint is allowed, subject to the payment of the cost of ₹5,000/-.

In view of the above, revision petition is allowed.

The plaintiffs are permitted to file amended plaint which shall be taken on record.

21.11.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No