

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-3163-2017 (O&M)

Date of Decision:- 11.07.2017

Mahender Singh @ Mahender Singh Raghav and another

.....Petitioners

Versus

M/s Vikram Electric Equipment Pvt. Ltd.

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Rajesh Lamba, Advocate
for the petitioners.

RITU BAHRI, J. (Oral)

Petitioners have come up in revision against the order dated 18.04.2017 (Annexure P-5) whereby application filed by the petitioners for amendment dated 23.02.2016 (Annexure P-3) has been dismissed.

Learned counsel submits that the petitioners had filed an application for setting aside the ex-parte decree dated 05.03.2014 as well as 07.02.2014. Petitioners had to challenge the order dated 29.10.2013 by which the petitioners were proceeded ex-parte, however, the said date was wrongly mentioned in the application as 07.02.2014 and this correction was sought to be made by the petitioners in the amendment application (Annexure P-3). The said application was dismissed, vide order dated 18.04.2017 (Annexure P-5), passed by learned Civil Judge

(Jr. Divn.), Gurugram, on the ground that the petitioners were not diligent enough to file the proposed amendment in the pleadings.

Heard.

Perusal of impugned order shows that in the reply to the amendment application the plaintiff/respondent had stated that the present petitioners were proceeded against ex-parte on 29.10.2013.

In view of above, the said mistake was an inadvertent and the amendment application should have been allowed. Accordingly, taking into consideration the facts of the present case, order dated 18.04.2017 (Annexure P-5), passed by learned Civil Judge (Senior Division), Gurugram, is hereby set aside and the application for amendment (Annexure P-3) filed by the petitioners/defendants, is allowed, subject to payment of costs of ₹5,000/-, to be paid to the respondent/plaintiff.

July 11, 2017
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No