

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

129

CR-4020 of 2017

Date of Decision:13.07.2017

Gurinder Singh

.....Petitioner

Versus

Rajwinder Singh and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK.

Present: Mr.Vijay Rana, Advocate,
for the petitioner.

RAMESHWAR SINGH MALIK, J.(Oral)

Feeling aggrieved against the impugned order dated 10.05.2017 passed by the learned trial court, whereby application of the plaintiff for amendment in the plaint was dismissed, plaintiff has approached this Court by way of present revision petition, filed under Article 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioner.

A perusal of the impugned order passed by the learned trial court would show that the impugned order does not suffer from any patent illegality or perversity. It has gone undisputed before this Court that the plaintiff, treating his un-amended pleadings to be correct, produced his evidence and concluded the same. Thereafter, defendants started and concluded their evidence. When the case was fixed for arguments, plaintiff-petitioner woke up from the slumber and moved the application under Order 6 Rule 17 of the Code of Civil Procedure (for short "the CPC"). Having

said that, this Court feels no hesitation to conclude that the learned trial court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

Owing to the provisions contained in proviso to Order 6 Rule 17 CPC added by Amendment Act 22 of 2002 by the Parliament, learned trial court would have no jurisdiction to grant amendment in the plaint at this belated stage. It is so said because it was not pleaded or argued case on behalf of the plaintiff-petitioner that despite exercise of due diligence on his part, he was unable to apply for amendment in the plaint at an early point of time. In the absence of any such stand taken by the plaintiff-petitioner, there was no scope for granting permission to amend his plaint at the stage of arguments of the suit. Under these circumstances, it can be safely concluded that the learned trial court committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order passed by the learned trial court, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. The impugned order has been found based on sound reasons and the same deserves to be upheld, for this reason as well.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the present revision petition is misconceived, bereft of

merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the above-said observations made, instant revision petition stands dismissed, however, with no order as to costs.

July 13, 2017
seema

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No