

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-4075-2017 (O&M)

Date of Decision:- 11.08.2017

Ramotar Sharma

.....Petitioner

Versus

Pawan Kumar

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Naveen S. Bhardwaj, Advocate,
for the petitioner.

RITU BAHRI, J. (Oral)

Present revision petition under Article 227 of the Constitution of India for setting aside the order dated 11.05.2017 (Annexure P-1), passed by learned Additional Civil Judge (Sr. Division), Loharu, whereby an application, filed by the respondent/plaintiff, under Order 6 Rule 17 CPC for amendment of the suit, has been allowed.

As is evident from the record that learned Additional Civil Judge (Sr. Division), Loharu, after taking into consideration the facts and all the contentions pertaining to appreciation of evidence, has allowed the application filed by the respondent/plaintiff, by virtue of order dated 11.05.2017, which in substance is as under: -

“The contention raised by the counsel for the applicant/plaintiff finds force as from the perusal of plaint, it is seen that para no.5 the applicant/plaintiff has mentioned that the defendant has signed on pronote

in English, whereas from the perusal of the pronote, it is seen that the defendant has signed in Hindi. Even the applicant/plaintiff has also led affidavit in his evidence as Ex.PW1/A and as per the proviso to order 6 Rule 17 CPC, the amendment cannot be allowed after the trial has begun unless the applicant/plaintiff failed to show any sufficient cause. Further keeping in view the above said discussion, the amendment sought by the plaintiff by way of present application is only regarding clerical mistake in nature and no prejudice is going to be caused to the defendant by way of amendment. Moreover, the nature of case will not be changed by way of proposed amendment.”

After hearing the learned counsel for the petitioner, going through the above-said judgment, this Court of the considered view that learned Additional Civil Judge (Sr. Division), Loharu, appears to have examined the matter in the right perspective and allowed the application. Moreover, learned counsel for the petitioner did not point out any legal infirmity or illegality in the impugned order, so as to interfere, in exercise of revisional jurisdiction of this Court under Article 227 of the Constitution of India.

Since there is no merit in the present revision petition, therefore, the same is hereby dismissed as such.

August 11, 2017
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No