

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

110

CR No. 7115 of 2015
Date of decision :25.10.2017

Paramjit Singh

...Petitioner

Versus

Punjab State Electricity Board and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. A.K. Handa, Advocate
for the petitioner.

Ms. J.K. Gurna, Advocate
for the respondents.

ANIL KSHETARPAL, J. (Oral)

Plaintiff-petitioner is in revision petition against order dismissing the application under Order 6 Rule 17 seeking amendment of the plaint.

Plaintiff had filed a suit for declaration challenging Electricity Bills issued to him by the Electricity Department on 14.04.2007, 15.05.2007, 15.06.2007, 14.07.2007, 11.08.2007 and 15.10.2007. After framing of issues the trial started, however, in the year 2015 plaintiff moved an application for permission to amend the suit and to challenge the Bill dated 16.03.2006 and bills subsequently issued upto 14.04.2007.

Learned trial Court after noticing the fact that such challenge is barred under Order 2 Rule 2 CPC as the plaintiff did not choose to lay challenge to these bills while filing the suit, dismissed the application.

Learned trial Court further found that trial has started and the plaintiff has failed to satisfy the conscious of the Court that these facts were

not in the knowledge of the plaintiff.

I have heard learned counsel for the parties at length and with their able assistance gone through the orders passed by the trial Court as well as copy of the plaint. Both the reasons assigned by the trial Court are in accordance with law.

Learned counsel for the petitioner could not point out any error in the same. Once the plaintiff while filing the suit in the year 2008 did not include the bills, which had been issued to him in the year 2006, the plaintiff would be deemed to have waived off his right.

Still further, challenge to the bills for the year 2006 cannot be allowed to be laid before the Civil Court in 2015. The claim sought to be added by the plaintiff by way of amendment, was further barred by time.

Hence, this revision petition is dismissed.

25.10.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes
Whether Reportable : No