

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CR No.8104 of 2016
Date of decision:16.1.2017**

Health Commissioner-cum-Secretary, Health Services, Government of
Haryana and another

...Petitioners

Versus

Charan Dass

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.R.K.Redhu, DAG, Haryana for the petitioners.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the order dated 16.02.2016
(Annexure-P1) passed by the learned trial Court, whereby application, under
Order 6 Rule 17 of the Code of Civil Procedure, moved by the respondent-
plaintiff was allowed, defendants have approached this Court by way of
present revision petition for setting aside the impugned order.

Heard learned counsel for the petitioners.

When confronted as to whether the nature of suit is going to be
changed by passing of the impugned order and also whether any prejudice
was going to be caused to the petitioner, learned counsel for the petitioners
had no answer and rightly so, it being a matter of record. Once the
evidence of the plaintiff-respondent was going on, he moved this
application for amendment, seeking to incorporate some averments, which
could not be taken because of inadvertent mistake and under a bonafide
wrong impression. It was the appropriate stage for the plaintiff to move the
application, seeking amendment and the same was rightly allowed by the
learned trial Court. Once neither the nature of suit was going to be changed

nor any kind of prejudice was going to be caused to the defendants-petitioners, the learned trial Court was well within its jurisdiction to pass the impugned order and same deserves to be upheld.

In fact, the entire case of the petitioners-defendants is based on technicalities alone, which must not weigh with the Court, while doing complete and substantial justice between the parties. Since the learned trial Court committed no error of law, while passing the impugned order the same deserves to be upheld for this reason also.

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 instant revision petition is wholly 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, the present revision petition stands dismissed, however, with no order as to costs.

16.1.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No