

**Civil Revision No. 919 of 2017 (O&M)**

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

**Civil Revision No. 919 of 2017 (O&M)**

**Date of decision: 8.2.2017**

Nand Lal Vohra

...Petitioner

Versus

Sandeep Kumar Gupta

...Respondent

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

Present: Mr. Veneet Sharma, Advocate  
for the petitioner.

\*\*\*\*\*

**RAMESHWAR SINGH MALIK, J. (Oral)**

Present revision petition, at the hands of defendant, is directed against the impugned order dated 1.12.2016 (Annexure P-5) passed by learned trial court, whereby application under Order 6 Rule 17 of the Code of Civil Procedure moved by the plaintiff-respondent, seeking amendment in the plaint, was allowed.

Learned counsel for the petitioner submits that amendment sought was not only belated but was also not necessary. Document dated 13.11.1998 was not at all relevant for the purpose of decision of the suit. He further submits that authenticity of the document was also in serious doubt. However, since learned trial court failed to appreciate these basic aspects of the matter, while passing the impugned order, the same has caused a manifest injustice to the petitioner. He prays for allowing the present

**Civil Revision No. 919 of 2017 (O&M)**

revision petition, by setting aside the impugned order.

Having heard learned counsel for the petitioner at considerable length, after careful perusal of record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances of the case, the impugned order has not been found suffering from any patent illegality. Revision petition is without any merit and the same is liable to be dismissed, for the following more than one reasons.

So far as plea of delay raised on behalf of the petitioner is concerned, it has not been found worth acceptance for the reason that plaintiff-respondent was not going to gain anything in delaying his own suit. It is also not in dispute that suit is at the initial stage. Evidence of the plaintiff has just started. Thus, this was the most appropriate stage for permitting amendment in the plaint. In this view of the matter, it is unhesitatingly held that learned trial court committed no error of law, while passing the impugned order and the same deserves to be upheld.

A bare perusal of the impugned order would show that learned trial court was conscious of the fact that neither nature of the suit was going to be changed, nor any kind of prejudice, whatsoever, was going to be caused to the defendant-petitioner. Finally, learned trial court itself found the amendment in question as material for the purpose of adjudicating the rights of the parties. Amendment of the plaint was allowed by learned trial court by passing the impugned order, compensating the defendant-petitioner by payment of reasonable costs. Having said that, this Court feel no hesitation to conclude that since the impugned order has not been found suffering from any patent illegality or perversity, the same deserves to be

**Civil Revision No. 919 of 2017 (O&M)**

upheld.

So far as the authenticity of document dated 13.11.1998 is concerned, it is not the appropriate stage to comment upon it. It goes without saying that the authenticity and evidentiary value of the document shall be examined, considered and appreciated at appropriate stage of the litigation. Once learned trial court itself has found the amendment sought as material for the purpose of doing complete and substantial justice between the parties, no opposition at the hands of defendant-petitioner, is warranted. Learned trial court has rightly exercised its powers under Order 6 Rule 17 CPC, while passing the impugned order, which has not been found suffering from any patent illegality or perversity and 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 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 abovesaid observations made, instant revision petition stands dismissed, however, with no order as to costs.

8.2.2017  
AK Sharma

**(RAMESHWAR SINGH MALIK)**  
**JUDGE**

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