

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.1753-2017 (O&M)
Date of decision: 09.01.2018

Harbans Lal

.....Petitioner

versus

Lakhvir Singh and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Satbir Rathore, Advocate for the petitioner
Mr.Sunil Agnihotri, Advocate for the respondents

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Heard.

The grouse of the petitioner is that in an application for amendment of the plaint, his counsel made a statement agreeing for amendment as mentioned in paragraph no.2 of the application. However, learned Civil Judge (Junior Division), Dasuya vide order dated 10.12.2015 (Annexure P7) allowed entire amendment sought for in the application recording that the counsel has suffered the statement regarding no objection for allowing the application for amendment of the plaint. It is stated that after coming to know about the same, he filed an application for striking off the unauthorized amendment which has been dismissed vide order dated 17.1.2017 (Annexure P11).

After going through the file, I am of the view that for certain amendments sought vide paragraph no.2, the counsel had made specific

statement regarding no objection to amendment as mentioned in paragraph no.2, however, the lower Court recorded that the counsel has no objection to the entire amendment.

In these circumstances, the impugned order dated 10.12.2015 (Annexure P7), allowing the entire amendment and the subsequent order dated 17.1.2017 (Annexure P11) are set aside. Lower Court is directed to decide the application for amendment of the plaint de-novo. The trial Court is directed to expedite the disposal of the case.

The present appeal stands allowed.

09.01.2018

gk

**(Kuldip Singh)
Judge**

Whether speaking/ reasoned:	Yes
Whether Reportable:	No