

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

**C.R. No.1814 of 2018 (O&M)
Date of Decision: March 19, 2018**

Karaj Singh

...Petitioner

Versus

Sukhwant Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Ramandeep, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

Through this civil revision petition the petitioner has sought to challenge order dated 28.02.2018 Annexure P/4, whereby, application moved by respondents No.1 and 2 seeking amendment under Order 6 Rule 17 CPC has been allowed.

As is there and is well reflected from application Annexure P/2 as to joint family settlement on the basis of affidavit dated 30.7.2016 which was filed by defendant No.1 Pishora Singh in favour of plaintiff and his brother Baldev Singh and, thus, wanted to incorporate certain amendments at the very initial stage when the pleadings were underway. Though, with the amendment to Order 6 Rule 17 CPC a proviso has been laid down empowering the Court before the commencement of trial where the Court comes to hold that in spite of due diligence party could not raise an issue and the same was essential for the just decision.

Reverting back to the instant case, the Court below has

considered at length the contentions of the two sides and has rightly come to the conclusion that amendment of the plaint deserves to be allowed and has spelled out reasons for the same to curbe further litigation which could result in multiplicity of litigation and, thus, correct exercise of inherent power of the Court. Learned counsel for the petitioner could not convince this Court how there is any illegality or perversity in the order of the Court below prejudicing the case of the petitioner necessitating intervention by this Court. Thus, the revision petition being hopelessly without any merits stands dismissed.

(FATEH DEEP SINGH)
JUDGE

March 19, 2018
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No