

Civil Revision No.1955 of 2018

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

Civil Revision No.1955 of 2018

Date of decision: 23.03.2018

Harmail Kaur and another

.....Petitioners

versus

Balbir Singh Rana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Malkit Singh Jandiala, Advocate, for the petitioners.

RAMENDRA JAIN, J. (ORAL)

This revision petition under Article 227 of the Constitution of India has been filed for setting aside order dated 12.02.2018 (Annexure P-1) of the trial Court, whereby their application under Order 6 Rule 17 CPC for amendment of plaint was rejected.

Learned counsel for the petitioners *inter alia* contends that petitioners-plaintiff only want to introduce boundaries of the disputed plot in the plaint so that in future at the time of execution, no controversy may arise regarding the identity of the suit property. Amendment sought by the petitioners is not going to change the nature of the suit or the cause of action. Instead the amendment sought would clarify the identify of the suit property which would be helpful in future to both the sides.

Having given considerable thought to the submissions made by learned counsel for the petitioners, impugned order is set aside for the reason that amendment sought by the petitioners is not going to change the nature of the suit, rather the same would be helpful in identifying the suit

Civil Revision No.1955 of 2018

property.

More-so, by this time it is well-settled that any litigating party should not be non-suited for technical reasons. According to learned counsel for the petitioners, evidence of the petitioners is yet to be started inasmuch as petitioners have only submitted their affidavit. Their cross-examination is yet to be commenced. Therefore, the petitioners are permitted to amend their plaint only to the extent of introduction of boundaries of the suit property and not beyond that, subject to costs of ₹20,000/- to be deposited with the Punjab State Legal Services Authority.

This petition is disposed of without issuing notice to the respondents with a view to impart justice to the parties and to save the huge expenses which may be incurred by the respondents and also to avoid unnecessary delay in the adjudication of the matter. Still, if dissatisfied, the respondents may move this Court for recalling this order within six weeks from today.

March 23, 2018
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned Yes/No

Whether reportable Yes/No.