

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.2093 of 2017 (O&M)

Date of decision:26.04.2018

Shiv Dutt

... Petitioner

Vs.

Sukhbiri and others

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Puneet Pali, Advocate, for
Mr. Mohd. Salim, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The petitioner-plaintiff is aggrieved of the impugned order dated 27.02.2017 (Annexure P-4), whereby, application for correction in para no.10 of the plaint where year has wrongly been typed as 19.8.2008 instead of 19.08.2016, was dismissed.

This Court on 26.05.2017 had issued notice of motion. As per order dated 20.07.2017, service is complete. Despite service, there was no representation on behalf of the respondent. Today also, none appeared on behalf of the respondent.

Learned counsel for the petitioner submitted that amendment sought in the plaint was at initial stage as the respondent-defendant had filed an application for rejection of the plaint. The aforementioned amendment was typographical and clerical error and respondent would be at

liberty to take all possible plea including the limitation in the written statement and can be decided by the trial Court at the final stage and thus, urged this Court for allowing the application.

I have heard the learned counsel for the petitioner, appraised the paper book and of the view that there is force and merit in the submissions of Mr. Puneet Pali, for, amendment sought, in my view, is most innocuous as the respondent-defendant can take all possible objections in the written statement already filed or contemplated to be filed. The plaintiff has filed a suit for declaration with consequential relief of injunction by challenging the judgment and decree dated 19.12.2014 passed in suit bearing No.161 of 2009 titled as Sukhbiri Vs. Shiv Dutt. All these factors would be subjected to the appreciation of evidence which party intend to bring on record.

In my view, the trial Court has committed illegality and perversity in dismissing the application. The impugned order is hereby set aside. Application for amendment is allowed.

Resultantly, the revision petition stands allowed subject to costs of ₹5,000/-.

(AMIT RAWAL)
JUDGE

April 26, 2018
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No