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

CR-2325-2017

Date of decision : 23.04.2018

Dev Singh @ Gurdev Singh

... Petitioner(s)

Versus

Rajinder Singh and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Lalit Pathak, Advocate
for the petitioner.

Mr. S.S. Salar, Advocate
for respondent No.1.

AMIT RAWAL, J. (ORAL)

The present revision petition is directed against the order dated 17.03.2017, whereby the application submitted by the petitioner for amendment of the replication has been dismissed.

Learned counsel for the petitioner-plaintiff submitted that owing to the certain typographical mistakes, the plaintiff wanted to amendment para 2 of the replication to the reply to the preliminary objection in line No.5, on the page 2, by inserting the words after the word court. It was denied that the word, the, be deleted and in the prayer clause, in the 3rd line, on page 5, the word '10' after rule be deleted and keyword '8' be inserted in place of words '10'. The proposed amendment is very much essential and necessary for the adjudication of *lis*. It is formal in nature and no harm and prejudice would be caused. The Court below has, thus, abdicated in dismissing the application and urges this Court for setting aside the impugned order, under challenge.

Learned counsel for the respondent No.1 submitted that non-mentioning of correct law is not fetter to the decision as the Court can always look into the statutory provisions of law. If the replication is read as a whole, it is a denial of the fact, therefore, one line here and there should not be permitted. There was no necessity for the plaintiff to amend the replication, thus, urges this Court for dismissal of the present revision petition by upholding the impugned order, under challenge.

I have heard learned counsel for the parties and appraised the paper book and of the view that there is no force and merit in the submissions of Mr. Pathak, as the suit had already reached at the final stage and it would tantamount to fill up the lacuna, which is not permissible in law. Moreover, wrong mentioning of law would not fatal to the decision of the case. Since both the parties have already led their evidence in support of the plaint and written statement, the alleged typographical mistake cannot be misconstrued for the adjudication of suit as the Court has to decide the suit on the basis of not only pleadings, but evidence and statements of respective parties.

Keeping in view the aforementioned facts, I do not find any illegality and perversity in the impugned order, under challenge, much less, no ground is made out for interference, accordingly, the present revision petition is dismissed.

23.04.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

✓

Whether speaking/reasoned **Yes/ No**

✓

Whether Reportable **Yes/ No**