

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.2692 of 2018
Date of Decision.26.04.2018

Gurdhian SinghPetitioner

Vs

Prabhjot SinghRespondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Arihant Jain, Advocate
for the petitioner.

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AMIT RAWAL J.(ORAL)

The petitioner is aggrieved of the impugned order whereby the application for amendment of the plaint submitted by the respondent-plaintiff before framing of the issues has been allowed.

Mr. Arihant Jain, learned counsel appearing on behalf of the petitioner-defendant submitted that the respondent-plaintiff instituted the suit under Order 37 CPC for recovery of ₹5 lacs along with interest @18% from 19.04.2006 till realization on the basis of the cheque bearing No.933759 dated 02.07.2016 with all costs and charges. The application for leave to defend and the written statement had been filed objecting to the claim of the respondent-plaintiff. However, when the Court framed all the issues, an application (Amnnexture P-3) was submitted seeking amendment in para 2 and 9 of the plaint. The aforementioned amendment tantamounts to withdrawing of the admission and changing the entire nature and cause of action, therefore, the order under challenge allowing amendment is not sustainable in the eyes of law as against the provisions of Order 6 Rule 17 CPC, thus, urges this Court for setting aside the order under challenge.

I have heard learned counsel for the petitioner-defendant,

appraised the paper book and of the view that there is no force and merit in the submissions of Mr. Jain. The facts regarding filing of suit, granting leave and filing the written statement are not in dispute. Para 2 of the application seeking amendment the plaint reads as under:-

“2. That in para No.2 the plaintiff want to add word “June” in place of word “September” in the second line and in the 5th line of para No.2 want to add word “June” in place of word “October” and in the 4th line of Para No.9, the plaintiff want to add word “April” in place of “September” and in the 5th line of Para No.9 want to add word “post dated cheque on the month of June, 2016 by mentioning the date 02.07.2016” in place of word “cheque on 02.07.2016” and in para No.11 in the second and third line of the plaint want to delete the word “Village:Kotla Fazal, PO, Balahri Kalan, Tehsil and Distt.”

I am of the view that the amendment sought to be made is only clarificatory in nature and does not tantamount to changing the nature of the suit as there are some inadvertent mistakes. All the objections taken by the petitioner-defendant can be adjudicated and noted by the trial Court at the appropriate stage.

In view of the aforementioned facts, I do not find any illegality and perversity in the order under challenge and the same cannot be said to be passed without jurisdiction. No ground for interference is made out. The revision petition is dismissed.

(AMIT RAWAL)
JUDGE

April 26, 2018
Pankaj*

Whether reasoned/speaking	Yes
Whether reportable	No