

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

Manoj Kumar
20/01/2018 11:44
I attest to the accuracy and
integrity of this document

CR No.4356 of 2014

Date of Order: 30.01.2018

Jaspreet Singh and Anr.

....Petitioners

Versus

Charanjit Singh and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Karan Nehra, Advocate for the petitioners.

Mr. Jagjot Singh, Advocate for

Mr. Kunal Dawar, Advocate for respondent Nos.30 and 31.

AMIT RAWAL, J (ORAL)

The petitioners-plaintiffs are aggrieved of the impugned order dated 08.5.2014 whereby the application seeking amendment of the plaint by inserting “Khata No.969th in between khata No.830/877 and 970/1028-1029 with further insertion of a line “on the basis of sale deed dated 20.01.1992” after 1997-98 in the 7th line of the head note of the plaint and also the words “that the plaintiffs are bonafide purchaser for consideration” in para 12 of the plaint, has been declined, on the premise that the amendment could have been incorporated when plaintiff was leading their evidence.

Learned counsel for the petitioners has contended that the amendment sought was only clarificatory and it will not prejudice the right of the other party especially when the same did not amount to introduction of any new fact or pleading in the plaint but is entirely based on the evidence of the plaintiffs-petitioners.

Learned counsel for the respondents submitted that the application was moved at belated stage of rebuttal evidence. It is contended that the petitioners-plaintiffs have already availed many adjournments during their evidence and thus prayed for dismissal of the revision petition.

I have heard learned counsel for the parties and appraised the paper book. The amendment sought to be made, in my view, would not alter and change the nature of suit. However, the defendants shall be at liberty to file amended written statement as both the parties have already led evidence. In my view, amendment sought is justified and accordingly the application seeking amendment in the plaint is allowed. Since it was moved at belated stage, other party should be compensated in terms of costs.

In view of aforesaid, the present revision petition is allowed subject to payment of costs of Rs.5000/- which shall be a condition precedent. The amended plaint be filed within two weeks from today and written statement be filed within one week thereafter. It is made clear that the petitioner shall not lead any evidence in support of the purported amendment.

January 30, 2018
manoj

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No