

CR No.5355 of 2016

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

**CR No.5355 of 2016
Date of decision:29.08.2018**

Baldeep Kaur

... Petitioner

Vs.

Madan Lal Devgan and another

... Respondents

CR No.7573 of 2017

Madan Lal

... Petitioner

Vs.

Ms. Baldeep Kaur and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Deepak Aggarwal, Advocate
for the petitioner (in CR No.5355 of 2016) and
for respondent No.1 (in CR No.7573 of 2017).

Ms. Rajni Maurya, Advocate, for
Mr. Naveen Batra, Advocate
for the petitioner (in CR No.7573 of 2017) and
for respondent No.1 (in CR No.5335 of 2016).

AMIT RAWAL J. (Oral)

This order of mine shall dispose of two revision petitions bearing Nos.5355 of 2016 titled as “Baldeep Kaur Vs. Madan Lal Devgan and another” at the instance of the plaintiff against the impugned order dated 06.08.2016 (Annexure P-5) vide which the application under Order 6 Rule 17 of Code of Civil Procedure for amendment of the plaint has been

dismissed and 7573 of 2017 titled as “Madan Lal Vs. Ms. Baldeep Kaur and others” by plaintiff against the impugned order dated 23.01.2017 (Annexure P-3) vide which the application filed under Order 6 Rule 17 of Code of Civil Procedure, for amendment of the written statement, has been allowed.

Mr. Deepak Aggarwal, learned counsel appearing on behalf of the petitioner submitted that both the suits are slated for plaintiff's evidence. The amendment sought to be incorporated will not alter and change the nature of the suit, for, Madan Lal had filed ejectment proceedings against Baldeep Kaur admitting the possession which would help in seeking injunction, thereafter, the same was withdrawn. The aforementioned piece of evidence is essential and necessary for adjudication of the lis.

Ms. Rajni Maurya, Advocate for Mr. Naveen Batra, learned counsel appearing on behalf of respondent No.1 submitted that the amendment cannot be allowed after framing of the issues. However, in other revision petition submitted that the defendants want to add para 7 in preliminary objection in the written statement qua dismissal of rent petition filed by the plaintiff-Madan Lal. No prejudice is going to be caused to any of the parties, rather the same may assist the Court for adjudication of the lis, therefore, the application for amendment of the written statement has rightly been allowed and thus, prayed for allowing of CR No.7573 of 2017 and dismissal of CR No.5355 of 2016.

I have heard the learned counsel for the parties and appraised the paper book.

The facts as indicated above are not in dispute. The only point is to be determined whether the amendment sought to be incorporated in the civil suit titled as “Baldeep Kaur Vs. Madan Lal Devgan and another” and “Madan Lal Devgan Vs. Ms. Baldeep Kaur and others” which has been allowed, assailed by Madan Lal warranting interference or not, answer in CR No.7573 of 2017 is “No” but “Yes” in CR No.5355 of 2016, for, such amendment is most innocuous as it would not alter or change the nature of the defence, for, suit has been filed seeking injunction, particularly the amendment sought to be incorporated is to establish the possession and factum of withdrawal of the ejectment petition which would enable the Court in adjudication of the lis.

Accordingly, the impugned order dated 06.08.2016 is hereby set aside and CR No.5335 of 2016 is allowed, whereas, impugned order dated 23.01.2017 is hereby upheld and CR No.7573 of 2017 is dismissed.

(AMIT RAWAL)
JUDGE

August 29, 2018
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No