

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 112

CR-5969-2018

Date of decision : 09.10.2018

Baljeet Singh and another

..... Petitioners

VERSUS

Kartar Kaur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Bikramjit Aroura, Advocate, for the petitioners.

Mr. Amit Arora, Advocate, for respondent No. 1.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 25.07.2018, passed by the Civil Judge (Junior Division), Tarn Taran (for short, the Trial Court), allowing the application filed by the respondents under Order 6 Rule 17 CPC for amendment of their plaint.

A perusal of the impugned order reveals that after noticing the contentions raised by the parties as also the amendment sought to be made by the respondents, the Trial Court by simply stating that the sought amendment would not change the nature of the case; would not prejudice either party and that it was self-explanatory, has allowed the respondents to make the amendment. No reasons are forthcoming in the impugned order as to how the nature of the case would not change; why the amendment would not prejudice either party and why the amendment was necessary as also whether it fell within the parameters prescribed under Order 6 Rule 17 CPC.

Reasons are the soul of a judicial order and an order without its soul has no place in the judicial world. Every judicial order must be backed by sound reasons as they ensure that the decision is not a result of whim or

fancy of its author and that the same is just. A reasoned order is also in line with the principle that justice should not only be done but also seem to have been done. Also that in the absence of reasons, it would be extremely difficult for a superior Court to ascertain the correctness of the order appealed or petitioned against.

In view of the above, the impugned order is set aside and the matter is remitted to the Trial Court to decide the application filed by the respondents under Order 6 Rule 17 CPC for amendment of their plaint afresh after passing thereupon a well reasoned order in accordance with law.

The present petition is allowed in the above terms.

09.10.2018
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No