

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

118

CR No.64 of 2016

Date of decision: 03.05.2018

Hans Raj

..... Petitioner

Versus

Satish Kumar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Paramjit Rajput, Advocate
for the petitioner.

Mr. J.S. Toor, Advocate
for respondent No.1.

ANIL KSHETARPAL, J. (ORAL)

Defendant No.15-petitioner has challenged the order dated 02.12.2015 passed by the learned trial Court allowing amendment of the plaint on the ground that it appears to be arising from a typographical mistake.

Learned counsel for the petitioner has pointed out that the plaintiff in para No.6 of the plaint had pleaded specifically that defendants No.2 to 16 are proforma defendants.

Learned counsel for the petitioner has vehemently submitted that now by way of amendment, the entire relief is being sought against defendant No.15 as the plaintiff has filed an application for substituting defendant No.1 with defendant No.15. He has further pointed out that the case is set at the stage of final arguments.

A reading of the order of the learned trial Court clearly spells

out that the Court assuming the mistake is a typographical mistake allowed the application. However, the learned Court has not adverted to the pleadings filed by the parties in the case while deciding the application.

In view thereof, the order under challenge dated 02.12.2015 is set aside. Learned trial Court is requested to re-decide the application for amendment of the plaint after taking into consideration the pleadings of the parties and also after noticing that an earlier application filed by the plaintiff was dismissed vide order dated 15.09.2012.

Parties through their counsel are directed to appear before the learned trial Court on 30.05.2018.

Revision petition is allowed.

03.05.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No