

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

**CR-6566-2016 (O&M)
Date of decision : 9.5.2018**

Coldrip Steels Pvt Ltd

..... Petitioner

Versus

Aditya Gupta and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. D.S. Sandhu, Advocate for the petitioner.

Mr. Satish Singla, Advocate for the respondents.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 4.8.2016 (Annexure P-7) passed in civil suit No. 94 dated 30.5.2011 titled as **“Coldrip Steels Pvt. Ltd versus Aditya Gupta and others”** by learned Additional Civil Judge (Senior Division), Amloh, vide which an application filed under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure, 1908 for amendment of the plaint was dismissed.

Heard.

It comes out that plaintiff-company has filed a suit for recovery of Rs. 17,54,988/-. The suit was filed through its Director-Shri Krishan Kant but according to the plaintiff inadvertently, Sanjeev Kumar, Account Manager of the plaintiff-company had signed the plaint. During the cross-examination of the said Sanjeev Kumar, Account Manager, this fact came to the knowledge of the plaintiff-company. Now the plaintiff-company want

to delete the name of the Director i.e. Shri Krishan Kant son of Sham Lal and replace it with Account Manager, Sanjeev Kumar in the head note of the plaint as well as in the subsequent paragraphs.

I am of the view that plaintiff-company can always replace a person who is authorized to pursue the case. It is a technical matter and does not go into roots of the case.

Learned counsel for the respondents has argued that there was no resolution of the plaintiff-company.

I am of the view that in addition to the resolution, there can be implied authority also. The question of authority is to be examined by the learned trial Court after recording the evidence.

At this stage, there is no ground to reject the amendment. As such, impugned order dated 4.8.2016 (Annexure P-7) passed in civil suit No. 94 dated 30.5.2011 titled as **“Coldrip Steels Pvt. Ltd versus Aditya Gupta and others”** by learned Additional Civil Judge (Senior Division), Amloh is set aside and present revision petition is allowed. The proposed amendment of the plaint is allowed to be carried out.

(KULDIP SINGH)
JUDGE

9.5.2018
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Whether speaking / reasoned
Whether Reportable:

Yes
No