

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.7158 of 2016 (O&M)
Date of Order: 02.05.2018

Sarwan Singh

..Petitioner

Versus

The Kurukshetra Primary Cooperative Agricultural
and Rural Development Bank Ltd.

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Deepak Saini, Advocate,
for the petitioner.

ANIL KSHETARPAL, J (Oral)

Plaintiff-petitioner is in the revision petition against the order passed by the learned trial court dismissing the application under Order 6 Rule 17 of the Code of Civil Procedure seeking amendment of the plaint so as to challenge two notices issued by the defendant dated 10.05.2015 and 04.11.2015.

Learned trial court has dismissed the application on the ground that the trial has commenced and the plaintiff has already concluded his evidence after availing 12 effective opportunities.

A bare look at the plaint proves that the plaintiff had filed a suit for permanent injunction and mandatory injunction against the Kurukshetra Primary Cooperative Agricultural and Rural Development Bank Ltd. (hereinafter referred to as 'the Bank'), challenging various recovery notices given by the bank. The subsequent notices are in continuation of the previous notices, which have been challenged in the suit.

Once previous recovery notices have been challenged by the plaintiff, then he was not required to move an application for amendment of the plaint so as to challenge the subsequent notices which are only communications in continuation of the previous notices. Still further, the suit is at the advanced stage being fixed for recording defendant's evidence.

In view thereof, there is no scope of interference, the revision petition is dismissed.

May 02, 2018
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(ANIL KSHETARPAL)
JUDGE

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