

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.8177 of 2015 (O&M)
Date of decision:01.11.2018

Teja Singh (since deceased) through LRs ... Petitioner

Vs.

Chain Singh (since deceased) through LRs and another
... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Vikas Bahl, Senior Advocate with
Mr. Nitish Garg, Advocate
for the petitioner.

Mr. N.S.Gill, Advocate for
Mr. Munish Gupta, Advocate
for respondent No.2(ii).

Mr. Gupreet Singh, Advocate
for respondents No.1(i), (ii), (iii)-a, (iii)-b and (iv)-b.

AMIT RAWAL J. (Oral)

The present revision petition is directed against the impugned order dated 23.10.2015 (Annexure P-7), whereby, an application under Order 6 Rule 17 of Code of Civil Procedure for amendment of the plaint by incorporating para 1 in a suit for declaration at the stage of plaintiff's evidence, has been rejected.

Mr.Vikas Bahl, learned senior counsel for the petitioner submitted that amendment sought to be incorporated is clarificatory and necessary for the proper adjudication of the case as it would help the Court in deciding the issue in lis as the trial has just commenced and other party

can be compensated in terms of costs.

Mr. N.S.Gill and Mr. Gurpreet Singh, learned counsels appearing on behalf of respondents submitted that amendment sought to be incorporated is beyond limitation and based upon the different cause of action, therefore, cannot be permitted. It is an attempt to delay the adjudication of the lis.

I have heard the learned counsel for the parties, appraised the paper book and of the view that there is force and merit in the submissions of Mr. Bahl, for, the amendment sought to be incorporated is still to be proved in accordance with law as the evidence has just started and the other party would have a right to rebut the same by leading an evidence and import of the same can always be looked into at the final stage.

Since other party/respondents have been called in this Court, I deem it appropriate to impose the costs of ₹7,000/-. The impugned order is hereby set aside and the revision petition stands disposed of.

(AMIT RAWAL)
JUDGE

November 01, 2018
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Whether Speaking/Reasoned

Whether Reportable

Yes/No

Yes/No