

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

CR No.8163 of 2016
Date of decision : 16.05.2018

Jai Kishan and others

...Petitioners

Versus

Harvinder Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Shilak Ram Hooda, Advocate for the petitioners.

Mr. Ajay Ghangas, Advocate for the respondents.

ANIL KSHETARPAL, J. (ORAL)

The defendants-petitioners are in the revision petition against the order passed by the learned trial Court allowing the amendment of the plaint so as to correct the dimensions of the property given in para 1 of the plaint.

The defendants claimed that they have purchased the property through two registered sale deeds dated 19.09.1996 and their prayer is that due to inadvertent mistake, the dimensions as given in the sale deed were not correctly mentioned in the plaint and now they want to bring it in consonance with the sale deed. Learned trial Court has allowed the application in the interest of justice and fair trial.

Learned counsel for the defendants has vehemently argued that the dimensions of the property are being drastically changed. He further submitted that a new case is being set up. He has further submitted that the defendants have already led their evidence and, therefore, prejudice would

be caused to the defendants-petitioners.

This Court has considered the submissions, however, do not find any substance therein. The basic structure of the suit filed is not being changed. When the plaintiffs filed a suit, they claimed that they have purchased the property through two registered sale deeds dated 19.09.1996. Even after the amendment, stand remains the same. The plaintiffs have only prayed for changing the dimensions as mentioned in the plaint to bring it in consonance with the sale deed.

In the considered opinion of this Court, no prejudice would be caused to the defendants, if the amendment is allowed.

Learned counsel for the petitioners submits that since the defendants have already closed their evidence, no opportunity would be granted to the defendants to lead evidence. Hence, their case would be prejudiced.

This Court has considered the submission. Once the amendment of the plaint is being allowed, the defendants have to be given an opportunity to file counter pleadings. Hence, the order under challenge is modified to the extent that the defendants would get an opportunity to file a fresh written statement and would also be granted one opportunity to lead their evidence.

With the aforesaid observations, the present revision petition is disposed of.

16.05.2018

Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No