

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 82 of 2016(O&M)

Date of decision : May 24, 2018

Lalit Kumar and another

..... Petitioners

Versus

Smt. Shanti Devi widow through her L.Rs

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Ajay Jain, Advocate
for the petitioners.

Mr. Vivek Singla, Advocate for
Mr. Vivek Salathia, Advocate
for the respondents.

AMIT RAWAL, J (oral).

The petitioners-plaintiffs are aggrieved of the impugned order dated 18.12.2015 whereby an application for amendment of the plaint for incorporating the new number of the shop from old No.335 New No. 852/539,Block No.5, inside Nagori Gate to new number 445 which was allotted during the pendency of the suit seeking ejectment of the respondents from the shop aforementioned has been declined.

Learned counsel appearing on behalf of the petitioners submitted that the amendment which had been sought in the aforementioned suit was a subsequent event which was beyond the control of the plaintiffs, for, the new number 445 and the description of the property with regard to north side were also allotted new No.444 and 446 i.e. north and south. The trial court dismissed the application on the premise that the evidence has

been concluded. He further submitted that no harm and prejudice would be caused to the respondents as the identity of the shop is not in dispute.

Learned counsel for the respondents submitted that he does not dispute if the change of new number is allowed as it is only a technical error.

Keeping in view the aforementioned facts, the impugned order is not sustainable and is hereby set aside. The amendment application moved by the petitioners is allowed.

Accordingly the revision petition stands allowed.

(AMIT RAWAL)
JUDGE

May 24, 2018
archana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No