

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.8683 of 2017 (O&M)
Date of Order:12.02.2018

M/s Shree Ambey Trading and others

..Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Varun Garg, Advocate,
for the petitioners.

Mr. Charanpreet Singh, AAG, Punjab.

ANIL KSHETARPAL, J(Oral)

Plaintiffs-petitioners are in revision petition against the order dated 10.08.2017, dismissing the application filed by the plaintiffs-petitioners for permission to sign the pleadings by plaintiff nos.2, 3, 5 and 6.

Plaintiffs originally had filed a suit on behalf of 6 plaintiffs. However, only plaintiff nos.1 and 4 had signed the pleadings. It is the case of the plaintiffs that the signatures of the remaining plaintiffs were left out due to inadvertence. It is further pleaded that when this fact came to the notice of the plaintiffs, they filed an application, which has been dismissed by the trial court by observing that the trial has started and, therefore the amendment cannot be allowed.

In the considered opinion of this Court, the mistake appears to be only inadvertent mistake. The suit remained pending for more than 4 years, however, defendants or the court officials never raised this objection.

Still further, plaint is already signed by plaintiff nos.1 and 4.

Taking into consideration the aforesaid facts, the order under challenge is set aside. Plaintiffs No.2, 3, 5 and 6 shall be allowed to sign the pleadings. However, the permission to sign the pleadings would not result in *de-novo* trial. The case would proceed from the current stage.

The revision petition is allowed.

February 12, 2018
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(ANIL KSHETARPAL)
JUDGE

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