

In the High Court of Punjab and Haryana at Chandigarh

201

CR No.4017 of 2017 (O&M)

Date of decision:1.2.2019

Nirmal Singh

.....petitioners

Versus

Hira Singh and others

.....respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Ritesh Kumar Sharma for
Mr. B.S.Baath, Advocate,
for the petitioner.

Mr. N.K.Vadehra, Advocate
for the respondents

RAJ MOHAN SINGH, J.(oral)

Petitioner has assailed the order dated 19.5.2017 passed by Civil Judge (Jr. Divn.), Gurdaspur, whereby application filed by the respondents under Order 6 Rule 17 CPC for amendment of plaint was allowed.

The amendment of plaint was allowed subject to payment of costs of Rs.1,000/-. The cost was duly paid and thereafter amended written statement was filed by the defendant-petitioner. Order to that effect was recorded by the Civil Judge (Jr.Divn.), Gurdaspur on 23.5.2017 and the case was adjourned for filing replication (if any) and for framing of issues.

In view of ratio of **Baba Padam Gir Chela (disciple)**

of Baba Chaudish Gir vs. Murti (Deity) Shri Paras Nath

Digamber Jain installed in Digamber Jain Mandir, Jind, 1981

C.L.J.411 and Amar Singh vs. Perhlad and others, 1989 (2)

PLR 513, once the cost is accepted, the defendant cannot agitate against the order. Petitioner is estopped from challenging the order as no one can approbate and reprobate in the aforesaid context. In the instant case, even amended written statement has also been filed by the defendant-petitioner.

In view of above, there is no scope to interfere in this revision petition. Accordingly, the same is dismissed.

February 01, 2019
anita

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking

Yes/No

Whether reportable

Yes/No