

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 228

CR-5602-2016

Date of decision : 27.02.2019

Shashi Gandhi

..... Petitioner

VERSUS

Sanjay Pahwa

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Akash Vashisth, Advocate,
Mr. Sanjay Vashisth, Advocate, for the petitioner.

Mr. Nipun Verma, Advocate, for
Mr. M. R. Verma, Advocate, for the respondent.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 08.08.2016, passed by the Civil Judge (Senior Division), Bhiwani (for short, the Trial Court), through which the application filed by the petitioner seeking therein amendment of her plaint has been dismissed.

The facts, in brief, which are required to be noticed for adjudicating upon the present petition are that the petitioner filed a suit against the respondent seeking therein recovery of ₹4,09,476/- alongwith interest. On being put to notice, the respondent appeared before the Trial Court and filed his written statement refuting the petitioner's claim. The petitioner filed replication to the written statement filed by the respondent and thereafter the Trial Court framed the issues. Before any evidence could be led by either party, an application was filed by the petitioner under Order 6 Rule 17 CPC seeking amendment of her plaint. Such application was dismissed by the Trial Court through the order under challenge in the present proceedings.

Learned counsel for the parties have been heard.

The first amendment that the petitioner seeks in her plaint is in

the last two lines of para 7 which originally contain the averments “dated 29.11.2011 and now an amount of Rs.4,09,476/- is due with interest @ 2% P.M. since 29.11.2011 to 12.3.2012” to be replaced with “12.3.2012 with interest @ 2% P.M.” The second amendment which the petitioner seeks is in the last line of para 9 wherein according to her the date “12.3.2012” has been wrongly typed as “12.1.2012”. Thirdly, the petitioner seeks deletion of repetitive lines in para 10 of her plaint.

After hearing learned counsel for the parties and having gone through the record the above amendments which the petitioner seeks are found to be typographical errors which would not change the nature of the suit. Therefore, the Trial Court should have permitted such amendments especially when it is admitted that either party is yet to lead evidence.

In view of the above, the impugned order is set aside and the amendments sought by the petitioner are permitted to be allowed. Needless to say that the respondent shall be granted an opportunity to file an amended written statement.

After noting that the petitioner filed her suit in the year 2012 which is stated to be pending at the stage where evidence is yet to be led by either party, it is directed that the Trial Court shall dispose of the suit expeditiously but not later than six months from the date of receipt of a certified copy of this order.

27.02.2019
shamsher

[DEEPAK SIBAL]
JUDGE

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