

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

**CR No.5491 of 2018(O&M)
Date of Decision: 17.05.2019**

Avinash Chander Setia

.....Petitioner

Versus

Bharat Bhushan Jain and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. R.K. Kapila, Advocate for
Mr. Vikas Bali, Advocate
for the petitioner.

Ms Riya Shama, Advocate
for respondents No.1 and 2.

Mr. Anandeshwar Gautam, Advocate for
Mr. Gaurav Goel, Advocate
for respondent No.3.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner seeks issuance of direction to the trial Court to decide the application under Order 6 Rule 17 CPC for amendment of plaint prior to pending application under Order 7 Rule 11 CPC.

[2]. The grievance of the petitioner appears to be that the proposed amendment may nullify the scope of application under Order 7 Rule 11 CPC in accordance with law. Application under

Order 7 Rule 11 CPC has been preferred by respondent No.3. Plaintiff has preferred application under Order 6 Rule 17 CPC for amendment of plaint.

[3]. At this stage, I deem it appropriate to direct the trial Court to proceed with the application under Order 6 Rule 17 CPC before adjudication of the application under Order 7 Rule 11 CPC. Both the applications shall be decided by the trial Court in accordance with law without being influenced by any of the observations made hereinabove.

17.05.2019

Prince

**(RAJ MOHAN SINGH)
JUDGE**

**Whether reasoned/speaking
Whether reportable**

**Yes/No
Yes/No**