

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 229

CR-7492-2016

Date of decision : 27.02.2019

Harmandeep Singh

..... Petitioner

VERSUS

Satwant Kaur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Rakesh Gupta, Advocate, for the petitioner.

Mr. S. S. Panag, Advocate, for the respondents.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 19.09.2016, passed by the Civil Judge (Junior Division), Patiala (for short, the Trial Court), rejecting the application filed by the petitioner under Order 6 Rule 17 CPC seeking therein amendment of his plaint.

A perusal of the impugned order reveals that after noticing the contentions raised by the parties as also the amendment sought to be made by the petitioner, the Trial Court, by simply stating that the sought amendment would change the nature of the suit and would cause irreparable loss to the defendants, dismissed the petitioner's application. No reasons are forthcoming in the impugned order as to how the nature of the suit would change and the amendment would cause irreparable loss to the respondents/defendants.

Reasons are the soul of a judicial order and an order without its soul has no place in the judicial world. Every judicial order must be backed by sound reasons as they ensure that the decision is not a result of whim

or fancy of its author and that the same is just. A reasoned order is also in line with the principle that justice should not only be done but also seem to have been done. Also that in the absence of reasons, it would be extremely difficult for a superior Court to ascertain the correctness of the order appealed or petitioned against.

In view of the above, the impugned order is set aside and the matter is remitted to the Trial Court to decide the application filed by the petitioner under Order 6 Rule 17 CPC for amendment of his plaint afresh after passing thereupon a well reasoned order in accordance with law.

The present petition is allowed in the above terms.

27.02.2019
shamsher

[DEEPAK SIBAL]
JUDGE

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