

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

**CR No. 1170 of 2019 (O&M)
Date of Decision:-12.12.2019**

Murari Lal

...Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Mr. Teevar Sharma, Advocate
for the petitioner.

Mr. Vishal Kashyap, AAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner has made challenge to the order dated 31.01.2019 passed by the Civil Judge (Jr. Divn.) Rohtak, vide which an application under Order 6 Rule 17 CPC filed by the plaintiff/petitioner for amendment of plaint was dismissed.

Both the parties have already concluded their evidence and the case has reached the stage of rebuttal evidence and arguments. Plaintiff seeks to add Para No.6-A in the plaint in order to elaborate his stand taken in the original plaint with reference to various entitlements viz-a-viz one Ram Kishan. In the original plaint no such tabulation has been given except to plead the discretion with the plaintiff viz-a-viz such Ram

Kishan by way of proposed amendment in para No.6-A, the plaintiff seeks to give the details with tabulated form in respect of existing functional pay scale, second higher standard pay scale with remarks. Plaintiff does not wish to lead any further evidence on the ground that evidence already lead by him would suffice to serve the purpose of evidence and only an elaborated stand be considered by the Trial Court at the time of adjudication of the suit on merits.

On the other hand, learned counsel for the respondents vehemently opposed the prayer on the ground that the proposed amendment is not necessary as the original plaint has already contained the necessary pleadings in the context of claim which is now being advanced by the plaintiff.

I have considered the arguments and heard learned counsel for both the parties.

The suit filed by the plaintiff is primarily on the ground of prayer for refixation of pay of plaintiff at par with defendant-Ram Kishan who had retired on 31.01.2001. Plaintiff has already concluded his evidence and so as defendants, the case has reached the stage of rebuttal evidence and arguments.

Pleadings in Para No.6-A would give rise to elaborated stand of the plaintiff already taken in the original plaint with reference to various entitlements of the plaintiff viz-a-viz Ram Kishan. The entitlements viz. existing functional pay scale, first

higher standard pay scale with remarks would definitely facilitate the Court to answer the claim of the plaintiff in a more appropriate manner. Since, the plaintiff is not willing to lead any further evidence, no prejudice will be caused to the defendants if the elaboration version is perused by the Trial Court in accordance with law at the time of decision of the suit on merits.

For the delay in moving the tabulated version of the plaintiff viz-a-viz Ram Kishan, the respondent can be compensated with a cost(s) of Rs.10,000/- to be paid in the account of the respondent. Payment of cost(s) shall be the condition precedent for granting indulgence by the Trial Court in the aforesaid context.

12.12.2019

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**(Raj Mohan Singh)
Judge**

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No