

CR No.5625 of 2019

Date of Decision: 11.09.2019

Sarva Haryana Gramin Bank

.....Petitioner

Versus

Navneet Kumar and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. Bhushan Bhatia, Advocate
for the petitioner.**NIRMALJIT KAUR, J. (ORAL)**

The present revision petition has been filed against the order dated 31.05.2019 passed by the Civil Judge (Junior Division), Hathin (for short, the trial Court), vide which, the application filed by respondent No.1 for amendment in counter claim, was allowed.

While praying for setting aside the order dated 31.05.2019, learned counsel for the petitioner submitted that no opportunity was granted, no copy of the amended counter claim was given to him and therefore, the amendment could not have been allowed without granting opportunity to him. Secondly, the very nature of the suit has changed in view of the said amendment.

Heard.

A perusal of the impugned order shows that the petitioner was duly present and he had also filed reply to the said application seeking amendment. His arguments were also noticed. Thus, the first argument has no merit and with respect to the second argument that the nature of the suit will change also cannot be sustained. The amendment has been filed in the

counter claim at a stage, when the issues on the said counter claim had yet

to be framed. Therefore, neither there is any delay in filing the application for amendment nor the matter has progressed beyond framing of issues in the suit of the plaintiff and the written statement to the counter claim and issues in pursuance to the counter claim are yet to be framed.

At this stage, learned counsel for the petitioner raised yet another argument and contended that copy of the amended counter claim had not been given. However, admittedly, the petitioner did not raise such objection in the written statement filed by him to the application seeking the amendment and did not point out that copy of the amended counter claim had not been handed over. In any case, the amendment in the prayer clause in the counter claim was duly mentioned in the application and the petitioner duly represented to the same.

Hence, no ground is made out to interfere with the order dated 31.05.2019 passed by the trial Court.

Dismissed accordingly.

(NIRMALJIT KAUR)
JUDGE

11.09.2019
sandeep

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No