

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

310

CR No.16470 of 2018

Date of Decision : 18.10.2019

Sukhdev Singh and others

....Petitioners

v/s

Bhulla Singh and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. Som Nath Saini, Advocate for the petitioners.
None for the respondents, *despite service*.

B.S. Walia, J. (Oral),

[1] Challenge in the revision petition is to Order (Annexure P/7) dated 17.10.2018, whereby the learned Civil Judge (Junior Division), Rajpura, rejected the application filed by the petitioner under Section 152, 153 read with Order 6 Rule 17 CPC for correction of mistake in the judgment & decree dated 25.07.2016.

[2] Learned counsel contends that the impugned order was passed on the ground that the affidavit submitted by the petitioners was not in consonance with order (Annexure P/5) dated 21.10.2017.

[3] A perusal of order (Annexure P/5) dated 21.10.2017 reveals that the application under Section 152, 153 CPC read with Order 6 Rule 17 CPC for amendment of plaint and correction of judgment and decree dated 25.07.2016 was allowed and the petitioners-plaintiffs were directed to provide fresh copy of the amended plaint along with affidavit of the plaintiffs incorporating all the necessary amendments allowed as per discussion in the order by the next date of hearing i.e. 18.11.2017. Thereafter, vide order dated

account of resolution of Bar Association, Rajpura, but amended plaint had been filed by the plaintiff, the case was adjourned from time to time and on 15.09.2018, while noticing that only amended plaint had been filed, one last opportunity was granted to the petitioner to file amended affidavit on 17.10.2018. On 17.10.2018, while noticing that the amended plaint had been filed but affidavit submitted by the petitioner-applicant was not in consonance with order dated 21.10.2017, the application was dismissed for non compliance of order dated 21.10.2017.

[4] Learned counsel contends that one opportunity be granted to the petitioners to file a fresh affidavit in compliance of order of the learned trial Court dated 21.10.2017 on such terms as to costs as deemed appropriate.

[5] I have considered the submissions of learned counsel. Admittedly, amendment prayed for had already been allowed vide order dated 21.10.2017 and only amended plaint and affidavit in support of the same, incorporating all the necessary amendments were to be filed. However, on 17.10.2018, while noticing that the amended plaint had been filed but affidavit submitted by the petitioner-applicant was not in consonance with order dated 21.10.2017, the application was dismissed for non compliance of order dated 21.10.2017. None has put in appearance on behalf of the respondents to oppose the prayer in the revision petition. In the circumstances, I am of the considered view that it would be just and proper that one opportunity be granted to the petitioners to file a fresh affidavit in terms of order dated 21.10.2017 to the satisfaction of the learned Civil Judge (Junior Division), Rajpura within two weeks of receipt of certified copy of this order. On the petitioners/plaintiffs filing fresh affidavit to the satisfaction of the learned Civil Judge (Junior Division),

Division), Rajpura would pass orders in respect thereto, in accordance with law for issuance of amended judgment and decree.

[6] Revision petition *disposed of* in the aforementioned terms.

(B.S. Walia)
Judge

October 18, 2019
'Rajneesh'

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