

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 4634 of 2018 (O&M)

Date of Decision: 14.02.2020

Smt. Santosh Rani (since deceased) through her L.Rs and Others
... Petitioner(s)

Versus

Ravinder Kumar (now deceased) through his L.Rs and Others
... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal

Present: Mr. Birender Singh Rana, Senior Advocate
with Mr. Shvetanshu Goel and Ms. Divya Bajaj, Advocates
for the petitioner(s).

Mr. Rakesh Gupta, Advocate
for the respondents.

Anil Kshetarpal, J.

The plaintiffs have filed the present revision petition against the order dated 16.05.2018, passed by the learned Additional District Judge declining prayer for amendment of the memorandum of appeal.

On careful reading of the order, it becomes apparent that while deciding the application, the Court has examined the proposed amendment with reference to Order VI Rule 17 CPC. The memorandum of appeal is not a part of the pleadings. Order XLI Rules 2 & 3 CPC is relevant in this context.

Keeping in view the aforesaid facts, the present revision petition is allowed and the order under challenge is set aside. The learned Appellate Court is requested to re-decide the application in accordance with law.

The miscellaneous application(s), if any, shall also stand disposed of.

(Anil Kshetarpal)
Judge

February 14, 2020
“DK”

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