

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

-.-

Civil Revision 1126 of 2020

Date of decision: 14.02.2020

Harpal Singh (since deceased) through his LRs*Petitioner*

Versus

Babita and others*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Jai Bhagwan Sharma, Advocate
for the petitioner

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Rekha Mittal, J. (Oral)

Challenge in the present petition has been directed against *zimini* order dated 07.12.2019 (Annexure P1) to the limited extent that in concluding lines of aforesaid order, it has been mentioned “*now to come up on 12.12.2019 for filing amended title as well as amended plaint*”.

Counsel would argue that without deciding application under Order 6 Rule 17 of the Code of Civil Procedure (in short, 'CPC') pending consideration of the Court, the Court has allowed the respondent/plaintiff to file amended plaint.

Perusal of *zimini* order dated 04.02.2020, placed on record would reveal that the trial court has already taken note of that an application under Order 6 Rule 17 CPC filed by the plaintiff on 19.12.2019 is yet to be decided.

Counsel for the petitioner, in response to a query, would fairly inform that the application for amendment of plaint is pending consideration before the Court. In the given scenario, challenge to *zimini* order dated 07.12.2019 does not sustain.

In view of what has been discussed hereinbefore, the petition stands disposed of. However, nothing stated herein-before shall prejudice right of the petitioner to express his grievance against amendment of plaint, if so, allowed by the Court.

(Rekha Mittal)
Judge

14.02.2020
Mohan Bimbura

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