

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

115

(PROCEEDINGS THROUGH V.C.)

CR-2331-2020

DATE OF DECISION: SEPTEMBER 30, 2020

Dooj Puri

.....Petitioner

VERSUS

Mandir EK Onkar Tirath and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Aman Pal, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASI, J. (ORAL)

Present petition has been filed, challenging order dated 09.08.2020 (Annexure P-8) passed by the Civil Judge (Junior Division), Karnal.

Learned counsel for the petitioner asserts that by way of allowing the application for amendment of the suit, may be the nature of the suit has not been changed in totality but the factual aspect in certain assertions have been changed, which would adversely effect the interest of the petitioner. Above all, it is asserted that there has been an admission recorded in the impugned order dated 09.08.2020 (Annexure P-8) on the part of the petitioner as also that of the respondent-plaintiff to the effect that both the parties have admitted that the issues raised by the applicant by way of an amendment are very crucial for just adjudication of the suit on merit.

This, counsel for the petitioner asserts, was never the stand of the petitioner. He is apprehensive that the said admission, as recorded, would adversely effect the claim and stand of the petitioner. That apart, he asserts that the petitioner would have no objection in case the earlier admission and factual aspects pointed out in the unamended plaint could be used by the petitioner at a subsequent stage. He, thus, contends that the impugned order cannot sustain and deserves to be set-aside.

I have considered the submissions made by counsel for the petitioner but am impressed with only one aspect where there has been an admission recorded of both the parties that the issue raised by the respondent-plaintiff in the application by way of an amendment was very crucial for the just adjudication of the suit on merit. This admission, in any manner, will not be used against the petitioner at the subsequent stage of the suit. As regards the other two pleas, which have been raised by counsel for the petitioner, the first pleas has no merit but as regard the second plea relating to the facts and admission in the unamended plaint is concerned, if such assertions are made, the same will be decided by the trial Court at the relevant time in accordance with law.

With the above observations, the present petition stands disposed of.

September 30, 2020
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No