

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 8353 of 2019

Date of Decision: 13.1.2020

Baldhir Kaur

...Petitioner

Vs.

Punjab State Power Corporation Limited

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Dhivya Jerath, Advocate
for the petitioner.

RAJIV NARAIN RAINA, J. (Oral)

1. The PSPCL is a plaintiff in a suit for recovery against the defendant/petitioner who has approached this Court challenging the impugned order dated 25.9.2019. PSPCL filed an application under Order 6 Rule 17 of the CPC for amendment of plaint to the limited extent as indicated in the application dated nil which reads as follows:

“The plaintiff submits as under

1. That the above noted suit for recovery is pending in this Hon'ble court and is fixed for today.

2. That in para No.4 of the plaint, the plaintiff has wrongly typed that the connections were checked by the Flying Squad Kapurthala on 15.1.1987, whereas the said checking was done by the said Flying Squad on 24.12.1986 so the plaintiff wants to replace the said date 15.1.1987 with date 24.12.1986.

3. *That the proposed amendment is very necessary and important and same will not change the nature of the suit. No prejudice will be caused to the defendant if the proposed amendment is allowed.*

4. *It is therefore prayed that the proposed amendment may kindly be allowed by allowing the present application. An affidavit is enclosed.”*

2. The defendant filed a reply pleading that the application is barred by limitation and is not coupled with amended plaint and as such the same is liable to be dismissed in *limine*. The application is just an afterthought and has been filed only to cover the lacuna in the case pleaded by the plaintiff Corporation. The amendment if allowed will change the nature of the suit at a belated stage which is impermissible in law.

3. It is averred that the plaintiff never pleaded or mentioned that any document or checking dated 24.12.1986 exists. On the contrary documents Ex. P-1 & P-3 relied upon by plaintiff in their evidence state that checking of the alleged theft of electricity by the raiding party was conducted on 15.1.1987. There is an allegation that the officials of PSPCL have intentionally and deliberately manipulated, forged and fabricated the documents to suit themselves and that is why the plaintiff and its employees are attempting to produce photocopy of forged and fabricated documents under the garb of amendment in plaint. No reason

or justification has been given for the alleged typing mistake whereas mentioning of date is not a typing mistake since documents filed by the plaintiff in the evidence itself of PW1 states that checking was done on 15.1.1987.

4. The question as to when was the raid conducted is a pure question of fact. PSPCL plead and pray for amendment only to the extent of change of date and nothing more. They do not say, intend or apply for, in the application, the amendment is for leading further evidence as a consequence of the change of date from 15.1.1987 to 24.12.1986 when the raid was conducted on the commercial premises of the defendants in the case of alleged theft of electricity.

5. Learned Civil Judge Senior Division Kapurthala by its order dated 25.09.2019 has accepted the application for substitution of the date of the checking of the meter from 15.1.1987 to 24.1.1986 assigning sufficient reasons for the amendment. The Judge has found from the perusal of the documentary evidence on record evidence showing that the copy of the letter dated 15.1.1987 in which the date of checking of connection has been mentioned as 24.12.1986 was due to oversight or inadvertence and the plaintiff while drafting the plaint mentioned wrongly the date of checking as 15.1.1987 which was in fact the date of issuance of the letter.

6. It is a duty in the executive authorities and in the Court to maintain purity of record and ensure that no mistakes are made by the

Administrator or the court and such innocuous typing mistakes have no impact on the case on merits and can readily be cured at any time, for which there is no limitation, so long as the record supports without doubt the mistake committed by human error. This is one such case of correction of an accidental slip. I have no reason to differ with the reasoning of the trial court that the documents itself support the amendment so, therefore, I have no occasion to tinker with the impugned order dated 25.09.2019.

7. With the observations made above, the present petition is found devoid of merit and is ordered to stand dismissed.

(RAJIV NARAIN RAINA)
JUDGE

13.1.2020

kv

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