

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

CR 4326 of 2016 (O&M)

Date of Decision: November 17, 2021

State Bank of Patiala

...Petitioner

Versus

Mandeep

... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. R.C. Taneja, Advocate
for the petitioner.

Respondent-service dispensed with.

FATEH DEEP SINGH, J. (Oral)

The present revisionist-State Bank of Patiala (in short, '**the Bank**') had earlier filed a civil suit for recovery against respondent Mandeep (in short '**the borrower**'). The primary claim was based on the averments that the bank had inadvertently mentioned that the loan has been advanced for the purchase of two wheeler when in fact it was for commercial vehicle TATA IRIS. Realizing this mistake the

plaintiff-bank present petitioner moved an application under Order 6 Rule 17 CPC seeking amendment of the plaint to incorporate the same and, thus, rectify the error which they claim was inadvertent. Since the defendant-borrower had not appeared and had been proceeded against *ex-parte*, the Court of learned Civil Judge (Senior Division) vide impugned order dated 17.05.2016 (Annexure P-2) dismissed the application and that is how the instant revision has come about.

Heard Mr. R.C. Taneja, Advocate for the petitioner and perused the records.

The only reason which has led to the passing of the impugned order that the applicant-plaintiff had earlier approached the Bank for a loan for purchase of an auto and now they intend incorporate and rectify it for the purchase of a commercial vehicle and held that since there was no material on the file to hold that amendment sought was result of inadvertent error had dismissed the application.

Appreciating the arguments, it is in broader sense a claim for the recovery of an amount of advance for the purchase of a vehicle and whether it was an auto or a commercial vehicle TATA IRIS does not matters much. The Courts in their approach towards dispensation of justice need to have a broader outlook for the dispensation of justice and should not fall prey to such minor frivolities and hypertechnicalities which are not of much material consequence. The Court below has taken a totally lackadaisical approach in the matter and, thus, has fallen into an error. It is not a case where an entirely new relief is being sought by the applicant/petitioner or the very nature of the suit is likely to be changed or new relief is sought to be introduced. Moreover, no prejudice is likely to be caused to the other party. The provisions of Order 6 Rule 17 CPC are to advance the cause of justice and being a pure clerical inadvertent error over the type of the vehicle does not in any manner affect the suit or the relief and, therefore, the impugned order dated 17.05.2016

(Annexure P-2) being illegal and perverse is set-aside by

acceptance of the instant revision.

November 17, 2021	(FATEH DEEP SINGH)
amit rana	JUDGE
Whether reasoned/speaking	: Yes/No
Whether reportable	: Yes/No