

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

**CR-674-2021 (O&M)
Date of decision : 18.03.2021**

Hitender

... Petitioner(s)

Versus

Kamlesh Rani and Another

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. R.K.Agnihotri, Advocate for the petitioner.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a revision petition under Article 227 of the Constitution of India challenging the impugned order dated 02.02.2021 (Annexure P-7) passed by the Civil Judge (Junior Division), Kurukshetra vide which the amendment application filed by the plaintiff-respondent No.1 has been allowed.

The facts relevant to the present case are that the plaintiff-respondent No.1 filed a suit for permanent injunction under Section 38 of the Specific Relief Act, 1963 mentioning the address of the petitioner-defendantas R/o 3474/A, Model Town, Thanesar, Tehsil Thanesar, District Kurukshetra. Thereafter, an application for amendment of the plaint was filed (Annexure P-5) wherein the only prayer made was for correction of the address of the petitioner-defendant mentioned in the heading of the plaint. It was stated in the said application that the address of the defendant-petitioner had wrongly been typed and the same was an inadvertent mistake and was

needed to be corrected in order to avoid any future legal complication. The amendment sought was as under:-

“Hitender son of Sh. Mahabir Parsad resident of Partapgarh and temporarily residing at Main Bazaar Thanesar near Sikri Jeweller Street Thanesar at the shop of Ronki Ram Thanesar, District Kurukshetra”

A reply (Annexure P-6) was filed to the said application wherein it was stated that the amendment application was filed only to harass the defendant-petitioner and the defendant-petitioner had been residing at the address since more than 25 years. Vide impugned order dated 02.02.2021 (Annexure P-7) the Trial Court allowed the amendment and it was held that there was an inadvertent mistake in mentioning the said address in the plaint and that if the amendment was allowed no undue hardship would be suffered by either of the defendants and further that the defendant-petitioner would have every opportunity to lead his evidence.

I have heard learned counsel for the petitioner.

The only amendment which has been sought by the plaintiff-respondent No.1 is change of address of the defendant-petitioner in the heading of the plaint. There is no amendment which has been sought in the main body of the plaint. None of the pleadings are sought to be amended either. There is also no dispute that the suit is in its initial stages. The learned counsel for the defendant-petitioner has not been able to show as to how the amendment sought would in any way change the nature of the suit or that the amendment sought would cause any undue hardship to the defendant-petitioner.

In view of the above, this Court finds no merit in the present revision petition and the same is, hence, dismissed.

Dismissed.

March 18, 2021
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO