

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(114)

CR No. 1464 of 2021
Date of Decision : 05.08.2021

Sohan Lal

...Petitioner

Versus

Krishan and others

...Respondents

(through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Robin Lohan, Advocate for the petitioner.

Harsimran Singh Sethi J. (Oral)

The present civil revision has been filed challenging the order dated 03.03.2021 (Annexure P-5) by which respondent No. 1/plaintiff has been allowed to amend the prayer clause of the suit to substitute the words 'for many years' with 'more than 20 years'. The said amendment has been allowed with the clear undertaking that no further evidence will be led by the respondent No. 1/plaintiff in any manner so as to delay the proceedings.

On being asked as to what prejudice is being caused to the defendant i.e. petitioner herein by the said amendment, not even a single prejudice has been shown to this Court rather, learned counsel appearing on behalf of the petitioner concedes that after the amendment, no further evidence has been led and the case is already fixed for arguments.

The challenge to the amendment can only be made in case any

of the party feels aggrieved on the ground that the said amendment is causing prejudice. In the absence of any prejudice being pleaded or argued/proved before this Court, the allowing of amendment of the prayer clause by the trial Court cannot be treated as arbitrary or beyond jurisdiction.

Further, the amendment is only that the words 'for many years' in the prayer clause should be treated as 'more than 20 years'. The said amendment even otherwise, does not make any difference, especially, when no further evidence is to be led by the petitioner after the amendment and the prayer of the plaintiff/respondent No. 1 is to be considered on the basis of evidence already led during the trial.

No ground is made out to interfere with the order passed by the trial Court dated 03.03.2021 (Annexure P-5).

Dismissed.

August 05, 2021
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No