

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

**CR-5391-2017 (O&M)
Date of decision: 02.03.2022**

ADRASH SHIKSHA SAMITI

...Petitioner

V/S

BALKISHAN & OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Munish Gupta, Advocate,
for the petitioner.

None for respondents No.16 to 26.

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ARUN MONGA, J. (ORAL)

Present revision petition is against the impugned order dated 17.05.2017 (Annexure P-7) passed by learned Civil Judge (Junior Division), Narnaul whereby, the application for amendment of plaint was dismissed.

2. Learned counsel for the petitioner *inter alia* contends that the amendment being sought in the plaint is merely technical in nature. Neither any fresh facts have been pleaded nor any evidence qua the same is warranted. He submits that a mere typographical error at the time of filing the plaint is being held against the petitioner for non-suiting it to seek the correction thereof. While in the amendment application all that has been prayed is that instead 12/135th share as pleaded in the plaint, the same be read as 13/135th share.

3. None appears on behalf of contesting respondents No.16 to 26, despite service.

4. Heard.

5. I am in agreement with aforementioned arguments of learned counsel for the petitioner. That apart, ultimate entitlement of the plaintiff

determined only after culmination of trial. Notwithstanding, the application has been wrongly dismissed on the ground that it will change the nature of suit. The revision petition is thus allowed.

6. The petitioner shall be given one opportunity by the court below to place on record his amended plaint. It is, however, made clear that the petitioner shall not be allowed any fresh evidence to be adduced qua the amendment which has been allowed vide instant order.

7. Disposed of accordingly. Notice to the respondent is dispensed with.

(ARUN MONGA)
JUDGE

March 2, 2022

Vandana

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No