

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 571 of 2022

Date of Decision: 22.02.2022

Bhajan Singh alias Harbhajan Singh

... Petitioner(s)

Versus

Balbir Singh

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ajay Kamboj, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. The defendant assails the correctness of the interlocutory order, passed by the Civil Judge (Junior Division), while permitting the respondent (the plaintiff in the suit) to amend the plaint in order to correct the inadvertent mistakes. The Court has observed that the aforesaid mistakes are bonafide and such amendment does not affect the nature of the suit.

2. The learned counsel representing the petitioner contends that since the application for permission to amend the plaint was filed after a period of 4 years, 1 month & 11 days, therefore, it was not maintainable.

3. It is not in dispute that the civil suit for possession by way of specific performance of the agreement to sell is pending before the trial Court. On a careful reading of the application filed for seeking permission to amend the plaint, it is evident that the plaintiff prays for correction of inadvertent typographical/clerical errors. The nature of the suit is not sought

to be changed. The trial Court, in exercise of its discretion, has allowed the

application. It would be noted here that for filing of an application for seeking permission to amend the plaint, there is no limitation as such. While considering the application for permission to amend the plaint, the Court is required to consider all the aspects of the matter. This is a case where only typographical/clerical errors have been permitted to be corrected. Hence, the question of limitation in filing of an application for permission to amend the plaint does not arise.

4. The learned counsel representing the petitioner relies upon the judgment in *Milwant Singh v. Surinder Kaur and Others (Regular Second Appeal No. 1452 of 2018, decided on 23.03.2018)*. This Court has carefully read the aforesaid judgment and find that the Court did not permit the appellant to re-open the decree at the stage of regular second appeal. Hence, the aforesaid judgment, with highest respect, is not applicable.

5. Consequently, no ground is made out to interfere and the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

February 22, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No