

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

-.-

CR-2503-2021 (O&M)
Date of Decision : 11.07.2022

Labh Singh and Others

...Petitioners

versus

The Isserheri, SCLO Sabha and Another

...Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sunny K.Singla, Advocate, for the petitioner.

Mr. Paras Jagga, Advocate, for the respondents.

ALKA SARIN, J. (Oral)

The present revision petition under Article 227 of the Constitution of India is for setting aside the impugned order dated 23.08.2021 passed by the Additional Civil Judge (Jr. Division), Patiala whereby the application under Order 6 Rule 17 of the Code of Civil Procedure, 1908 filed by plaintiff-respondent No.1 for amendment of the plaint has been allowed.

Learned counsel for the petitioner would contend that the amendment has been allowed after a period of three years from the filing of the filing of the suit and the amendment sought for is to incorporate the following lines at the end of Para-2 of the plaint, which reads as under :

“However, the defendant No.1 Bhag Singh filed an application for correction of Khasra Girdawari against the plaintiff Sabha and others before the Ld. A.C 2nd Grade, Dudhan Sadhan, and the said application was dismissed by the Ld. A.C 2nd Grade,

Dudhan Sadhan vide order dated 22.11.1984 and the said order was upheld upto the Hon'ble Court of Financial Commissioner, Chandigarh, as per order dated 27.03.1990. Copies of both the orders dated 22.11.1984 passed by Ld. A.C 2nd Grade, Dudhan Sadhan and order dated 27.03.1990 passed by Ld. Financial Commissioner, Chandigarh are enclosed herewith for the kind perusal of this Hon'ble Court."

Learned counsel would further contend that the said fact was well within the knowledge of the plaintiff and hence the amendment ought not to have been allowed.

Per contra, the learned counsel for the respondents states that the case is still at the initial stage inasmuch issues are also yet to be framed. It is further the contention that the said amendment is necessary in order to bring the true and correct facts on the record and further that no prejudice would be caused to the defendant-petitioner in this case.

Heard.

In the present case the case is still at the initial stage inasmuch as issues are yet to be framed. The amendment sought to be incorporated does not change the nature of the suit in any manner. The argument of the learned counsel for the petitioner that the amendment has been sought after a period of three years would not cut any ice inasmuch as the suit itself has not progressed beyond the completion of the pleadings. Even issues in the suit have not been framed.

In view of the above, I do not find any illegality or infirmity in the impugned order. The present revision petition is dismissed. Pending applications, if any, also stand disposed off.

July 11, 2022
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(ALKA SARIN)
JUDGE

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