

S.No.110

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

CR No.5407 of 2022

Date of Decision:22.11.2022

Kamalnain Singh

.....Petitioner

Vs.

Jaswinder Singh and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ramesh Sharma, Advocate for the petitioner.

DEEPAK GUPTA, J.

The petitioner is aggrieved by the order dated 03.08.2022 (Annexure P.3) passed by the learned Additional Civil Judge (Senior Division), Nakodar whereby an application under Order 6 Rule 17 CPC for amendment of counter-claim filed by the defendant- respondent has been allowed.

In the counter-claim initially filed by the defendant-respondent, it was pleaded that after the death of Malkeet Singh, the plaintiff had become licensee under the defendant/ counter-claimant. The amendment was sought to mention that in fact Malkeet Singh was alive and was in Canada and the relevant line was to be replaced with the words “after the death of wife of Malkeet Singh, the plaintiff became licensee under the defendant/ counter-claimant.” It is contended that the impugned order allowing the amendment has been passed without giving any reasons.

Having heard learned counsel for the petitioner and going through the paper book, I find no merit in the revision. As conceded by counsel for the petitioner, the fact of Malkeet Singh being alive is not disputed. The power to allow the amendment is quite wide and the same

can be exercised at any stage, if required in the interest of justice. No
illegality is found in the impugned order. Revision is rejected.

November 22, 2022	(DEEPAK GUPTA)
renu	JUDGE
Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No