

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.5435 of 2022

Date of Decision: 23.11.2022

Naresh Kumar and another

.....Revisionists-Petitioners

Versus

Asha Devi and another

.....Respondents

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. R.S. Bajaj, Advocate
for the revisionists-petitioners.

MEENAKSHI I. MEHTA, J.(Oral)

By way of the present petition, the petitioners-defendants (for short, 'the defendants') have assailed the order dated 16.11.2022 (Annexure P-7) passed by learned Civil Judge (Junior Division), Jalandhar (for short, 'the trial Court') in Civil Suit No.882 of 2015 titled as '***Asha Devi and another Vs. Naresh Kumar and another***', whereby the application moved by the respondents-plaintiffs (for short, 'the plaintiffs') under Order 6 Rule 17 read with Section 151 CPC for seeking amendment in the plaint, has been allowed.

2. I have heard learned counsel for the petitioners-defendants, at the preliminary stage, in this petition and have also perused the file carefully.

3. Learned counsel for the defendants contends that the above-

-said application had been moved by the plaintiffs at the fag end of the trial in the civil suit, after the conclusion of the evidence by both the parties and therefore, the impugned order is not legally sustainable and deserves to be set-aside.

4. However, I do not find the afore-raised contention to be tenable at all because by way of the proposed amendment, the plaintiffs seek to incorporate their claim qua the future charges for the use and occupation of the suit property, in the second para of the head-note of the plaint Annexure P-1 and a perusal of the same (plaint) reveals that in the concluding lines of the prayer clause therein, the plaintiffs have specifically prayed for/claimed the above-said relief. It being so, it is quite explicit that the proposed amendment would neither change the nature of the suit nor would cause any irreparable loss to the defendants.

5. As a sequel to the fore-going discussion, it follows that the impugned order (Annexure P-7) does not suffer from any illegality, infirmity, irregularity or perversity so as to call for any interference by this Court. Resultantly, the present revision petition, being sans any merit, stands dismissed.

November 23, 2022
pooja

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>