283

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR-1081-2019 (O&M)
Date of Decision : 23.01.2023

Kamaljit Kaur ....Petitioner

VERSUS

Mohinder Singh ....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sandeep Bansal, Advocate for the petitioner.

Mr. B.S. Bairagi, Advocate for the respondent.

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ALKA SARIN, J. (Oral)

The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 11.01.2019 whereby the application filed by the plaintiff-petitioner for amendment of plaint has been declined.

Learned counsel for the plaintiff-petitioner would contend that the plaintiff-petitioner filed a suit for recovery of Rs.6,96,000/- (Rs.6,00,000/- as principal amount and Rs.96,000/- as interest @ 12% per annum) against the defendant-respondent. After the filing of the suit and before the written statement could be filed, the present application for amendment of the plaint was filed on 30.11.2018. Learned counsel would further contend that the amendments sought are only clarificatory in nature and the same do not change the nature of the suit in any way. It is further

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the contention of learned counsel for the plaintiff-petitioner that the prayer in the suit remains for the recovery of Rs.6,96,000/-.

Per contra, learned counsel for the defendant-respondent has vehemently contended that the amendment sought is not clarificatory in nature and that the same would amount to increasing the recovery amount in the suit.

Heard.

In the present case the amendment sought has been made at the very initial stage i.e. even prior to the filing of the written statement. The prayer in the suit was for recovery of amount of Rs.6,96,000/- and by way of the amendment the prayer clause is not sought to be changed. However, certain amendments have been sought which are clarificatory in nature. A perusal of the amendment application clearly reveals that the only amendment sought is in para-1 of the plaint and for replacing one word i.e. '*cheque'* with the '*cheques and cash'* in para-2 of the plaint. There is no amendment in the prayer clause.

In view of the fact that the amendment is clarificatory in nature and has been moved at the very initial stage, the present revision petition is allowed and the impugned order dated 11.01.2019 is set aside. The application for amendment filed by the plaintiff-petitioner stands allowed. Pending applications, if any, also stand disposed off.

January 23, 2023 **(ALKA SARIN)**
tripti **JUDGE**

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

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