

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(108)

CR No.2783 of 2023

Date of Decision : 05.05.2023

Jagdev Singh Gill and another

..Petitioners

Versus

Manjit Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Parminder Singh-1, Advocate for the petitioners.

Harsimran Singh Sethi J. (Oral)

The present Civil Revision has been filed challenging the order dated 10.04.2023 (Annexure P-4) by which the application moved by the respondent-plaintiff under Order 6 Rule 17 CPC for amendment of the plaint has been allowed.

Learned counsel appearing on behalf of the petitioners argues that in the present case, the contrary stand is being taken by way of filing amendment which could not have been allowed and further after filing of the suit, the lacunas are being rectified, which is not permitted by way of amendment.

I have heard learned counsel for the petitioners and have gone through the record with his able assistance.

It may be noticed herein itself that as of now, except for filing the suit and rebutting the averments made in suit by filing written statement, no further proceedings have taken place and even the issues which arise for consideration are yet to be framed hence, this Court is to

adjudicate whether or not the respondent-plaintiff can be allowed to amend the suit at this stage. From record it transpires that the suit was filed through the counsel from Legal Aid and the same has not been filed properly. In the impugned order, it has been mentioned itself that the plaint has not been filed with due consideration as there is no verification of the plaint.

It is a settled principle of law that the litigant should not suffer due to the act on the part of the counsel. Now, in order to rectify certain mistakes, which have crept while filing the suit, amendment was sought, which amendment has been allowed as no issues have been framed yet and the trial is yet to begin. Hence, it cannot be said that allowing the application filed by the respondent-plaintiff under Order 6 Rule 17 CPC in any way is contrary to the settled principles of law or the impugned order is contrary in any manner.

The question whether, the contradictory plea is being taken, the same will only be borne out of the evidence, which will come on record so as to record a finding whether the plea being raised in the suit is contradictory or not. At this stage, while allowing the amendment, the said question can not be considered.

No ground is made out for interference by this Court.

Dismissed.

May 05, 2023
jt

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No