

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 2698 of 2022 O&M)

Date of decision : 19.1.2023

...

Anand Sarup Bhardwaj and others

.....Petitioners

vs.

Sunil Kumar Dahiya and others

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Vijay Kumar Jindal, Senior Advocate with
Mr. Pankaj Gautam, Advocate for the petitioners.

Mr. Adarsh Jain, Advocate for respondent No.3.

...

H. S. Madaan, J. (Oral)

During pendency of the suit in the trial court of Civil Judge Junior Division, Gurugram, the plaintiffs had filed an application seeking amendment of the plaint, which was opposed on behalf of defendant No.3 and vide impugned order dated 21.5.2022, the application was dismissed.

Feeling aggrieved, the plaintiffs have approached this Court by way of filing the present revision petition. Notice of such petition was given to the defendant No.3, the only contesting defendant, since other defendants No. 1, 2 and 4 had been proceeded against ex parte before the trial Court. Such defendant had put in appearance through counsel.

Learned counsel appearing for respondent No.3 at the very outset states that the revision petition may be allowed and the application for amendment of the plaint filed by the plaintiffs may be accepted, however, a direction be issued to the trial Court to decide the case expeditiously, as the suit in question is pending since 7.8.2015.

Under the circumstances, the revision petition is allowed. The impugned order dated 21.5.2022, is set aside and the application for amendment of the plaint is accepted, subject to payment of Rs.15,000/- as costs. On payment of costs by the plaintiffs to the defendant either personally or through counsel, the amended plaint be accepted and if the proposed amended plaint is already there, then it be taken on record.

Let the costs be paid within 15 days from today and thereafter, further proceedings shall take place from the stage when those were brought to halt in view of order passed by this Court.

Accordingly, the interim order passed in this case on 23.8.2022, staying further proceedings before the trial Court, stands withdrawn. The trial Court is directed to make earnest efforts to dispose of the case in question expeditiously by giving short adjournments.

19.1.2023
chugh

(H.S. Madaan)
Judge

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No