

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

287

CR No.4323 of 2019

Date of Decision : 30.1.2023

Aruna Garg

....Petitioner

VERSUS

Rakesh Chawla and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. P.K.S. Phoolka, Advocate for the petitioner.

None for respondent no.2.

Mr. Akshay Jain, Advocate for respondent nos.1, 3, 4 to 8.

ALKA SARIN, J. (Oral)

The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 17.05.2019 whereby the application filed by the plaintiff-petitioner for amendment of the plaint has been dismissed.

Learned counsel for the plaintiff-petitioner would contend that the suit was filed for damages on account of defamation, physical and mental harassment and agony as well as financial loss caused by the defendant-respondents to the plaintiff-petitioner. It is further the contention that at the time of filing of the plaint it was inadvertently left out that the damages were being sought along with 18% interest per annum from the date of filing of the suit till the date of realization. Learned counsel for the plaintiff-petitioner has further pointed out that the application for amendment of the plaint was filed at the stage when the evidence of the plaintiff-petitioner had not even commenced. Learned counsel for the plaintiff-petitioner would further contend that the amendment would not

change the nature of the suit in any manner nor any prejudice would be caused to the defendant-respondents.

Per contra learned counsel for the respondent nos.1, 3, 4 to 8 has contended that a well reasoned order has been passed by the Trial Court and that the application has rightly been dismissed.

I have heard learned counsel for the parties.

In the present case the only amendment sought is to add the lines “along with 18% interest per annum from the date of filing of the suit till the date of realization” in the head-note and prayer clause of the plaint. The nature of the suit does not change in any manner. The application has been filed at the stage when the evidence of the plaintiff-petitioner is yet to commence. Learned counsel for the respondents has not been able to show how the said amendment, if allowed, would cause prejudice to the defendant-respondents.

In view of the above, the present revision petition is allowed. The impugned order dated 17.05.2019 (Annexure P-1) is set aside and consequently, the application (Annexure P-3) filed by the plaintiff-petitioner for amendment of the plaint stands allowed. Pending applications, if any, also stand disposed off.

30.01.2023
jk

(ALKA SARIN)
JUDGE

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