

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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2023:PHHC:146336

CR-4654-2022 (O&M)
Date of decision: 17.11.2023

GURBACHAN SINGH

..Petitioner

Versus

SUKHDEEP SINGH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Mohit Singla, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

1. The petitioner has filed a suit for recovery of Rs.5,58,000/- against the respondent. In para 1 of the plaint, it has been pleaded that the amount was credited in account No.30810001318 of the defendant. When the case was at the stage of rebuttal evidence and arguments, the plaintiff realized that in fact the correct account number is 50100050166830. The trial Court has dismissed the application on the ground that the same mistake has been repeated by the plaintiff in his affidavit when he was examined as PW-2. Moreover, if the aforesaid amendment is allowed, a *de novo* trial would start and the application has been filed at a belated stage.
2. The learned counsel representing the petitioner contends that it was an inadvertent typographical mistake and the Court shall have acted liberally in permitting such amendments.
3. This Court has considered the submissions of the learned counsel representing the petitioner.
4. In fact, while deciding application for permission to amend the pleadings, the Court are expected to adopt a pragmatic approach.

5. The amendments as sought by the parties, fall into various categories. Some of those amendments are only formal in nature, through which a clerical mistake is sought to be corrected. Such clerical amendments should be allowed in order to correct the record of the Court. While deciding such applications, the Court is not expected to have a myopic view of the matter. Even if the aforesaid mistake in the pleadings has also been repeated in the affidavit submitted in the examination-in-chief, the amendment could still be allowed. Ultimately, the aim of the Court is to do substantive justice between the parties rather than giving technical justice. The proviso to Order VI rule 17 of the Code of Civil Procedure, 1908, has been incorporated in order to avoid the unnecessary and irrelevant amendments, however, the proviso shall not be applicable if the amendment in the pleadings is formal in nature. Reliance in this regard can be placed upon the judgment passed in **Life Insurance Corporation of India Vs. Sanjeev builders Private Limited and another, 2022 SCC Online SC 1128.**

6. Consequently, the application is allowed. The plaintiff shall be given an opportunity to file the amended plaint as well as file the amended affidavit in evidence. The defendant shall only be granted opportunity to cross-examine the witness on account of that particular amendment only. Thereafter, the Court shall proceed to decide the matter.

7. With these observations, the present petition is disposed of.

8. All the pending miscellaneous applications, if any, are also disposed of.

November 17th, 2023

(ANIL KSHETARPAL)
JUDGE

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No