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

CR-5056-2024 (O&M)

Date of Decision : 05.12.2024

Inderpal Singh

... Petitioner(s)

Versus

Seema Bajaj & Anr

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ajay Jain, Advocate for the petitioner.

Mr. Divanshu Jain, Advocate with
Mr. Prashant Vir Gupta, Advocate for the respondent No.1.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 11.07.2024 whereby the application filed by the plaintiff-respondent No.1 under Order 6 Rule 17 of the Code of Civil Procedure, 1908 for amendment of the plaint has been allowed.

2. On 10.09.2024 notice of motion was issued, and the operation of the impugned order was ordered to be stayed till the next date of hearing. On 03.12.2024 the counsel for the respondent No.1 put in appearance and the following order was passed :

“Mr. Divanshu Jain, Advocate has put in appearance on behalf of respondent No.1 and has filed his memo of appearance, which is taken on record. He has handed over a copy of the zimni order dated 16.08.2024 wherein it has been noticed that defendant No.1 – Inderpal Singh – who is petitioner herein, had come present in Court and

suffered a statement that he had received Rs.2500/-, which was imposed as costs vide the impugned order dated 11.07.2024 while allowing the application for amendment of the plaint. Learned counsel for respondent No.1 has further referred to a judgment of a Division Bench of this Court in case of Amar Singh vs. Perhlad & Ors. [1989 (2) PLR 513] to contend that once costs imposed vide the impugned order were accepted without any protest, the party is estopped from challenging the order.

Faced with the same, learned counsel for the petitioner seeks some time to get his instructions.

List on 05.12.2024.

To be shown in the urgent list.”

3. Today the learned counsel for the petitioner is not in a position to deny that the costs of Rs.2,500/- were accepted by the petitioner without any protest.

4. In view of the above, the present revision petition itself would not be maintainable in view of the judgment of the Division Bench of this Court in the case of **Amar Singh Vs. Perhlad & Ors. [1989 (2) PLR 513]**. The present revision petition is, accordingly, dismissed. Pending applications, if any, also stand disposed off.

05.12.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

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