



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

(240)

CR No.7465 of 2019 (O&M)

Date of Decision: 14.07.2025

Shishpal Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Sharwan Sehgal, Advocate
for the petitioner (through hybrid mode).

Mr. Shiny Chopra, AAG., Punjab.

VIKRAM AGGARWAL, J (ORAL)

The instant revision petition, preferred under Article 227 of the Constitution of India, assails order dated 09.10.2019 (Annexure P-4), passed by the Court of Civil Judge (Jr. Division), Ludhiana, vide which application preferred under Order 6 Rule 17 of the Code of Civil Procedure, 1908 (for short 'CPC') seeking amendment of the plaint was dismissed.

2. A suit for declaration (Annexure P-1) was preferred by the petitioner/plaintiff to the effect that his Annual Confidential Reports had been allegedly downgraded by defendants No.2 and 3 with *mala fide* intention and with the sole purpose to deny future promotion to him. Mandatory injunction directing the defendants to grant promotion to him by ignoring these downgraded ACRs was also sought.

3. During the pendency of the suit, an application (Annexure P-2) for amendment of plaint was filed. The petitioner/plaintiff sought to amend the heading and prayer clause of the plaint. He wanted to substitute the words 'defendants No. 2 and 3' with 'defendants' and the word 'promotion' with 'consequential promotion'.

4. The application was opposed by way of a reply stating that the plaintiff was already aware of the said facts and the application had been moved only to delay the decision of the case.

5. The application was dismissed by the Court of Civil Judge (Jr. Division), Ludhiana, leading to the filing of the instant revision petition.

6. I have heard learned counsel for the parties.

7. Learned counsel for the petitioner submits that the amendments sought to be made were formal amendments which would not affect the nature of the case nor would they cause any prejudice to the respondents. He submits that apart from filing of amended plaint, the petitioner does not have to lead any evidence subsequently. He submits that the trial Court erred in dismissing the said application.

8. *Per contra*, learned State counsel has opposed the revision petition stating that no amendment is permissible once the trial begins. She submits that the case is at the final stage and, therefore, no amendment can be sought at this stage.

9. Having considered the submissions made by learned counsel for the parties, this Court is of the considered opinion that the impugned order is not sustainable. The petitioner wanted to amend only the heading and prayer clause of the plaint wherein he wanted to replace the words 'defendants No.2 and 3' with 'defendants' and the word 'promotion' with 'consequential promotion'. It is not understood as to how the petitioner would be interested in delaying the disposal of his own case. Still further, the amendments are merely formal in nature which would neither change the nature of the suit nor would they cause any prejudice to the respondents. No doubt, amendments cannot normally be allowed once the trial begins.

However, it has to be borne in mind that procedure is the handmaid of justice and should be used to advance the cause of justice rather than to scuttle it. Learned counsel for the petitioner has clearly stated that the petitioner only wishes to make these formal amendments in the heading and prayer clause of the plaint and that no evidence would have to be led in furtherance of the amendment. Of-course, an opportunity would have to be given to the respondents to file amended written statement, if any and the issues may need to be reframed which shall be decided by the trial Court after examining the matter. In any case, it is incomprehensible as to why such a minor amendment should be denied.

10. That being so, the present revision petition is allowed. The order dated 09.10.2019 passed by the Court of Civil Judge (Jr. Division), Ludhiana is set aside and the application filed by the petitioner/plaintiff under Order 6 Rule 17 CPC for amendment of plaint is allowed.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

July 14, 2025

Rekha

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No