IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Civil Revision No. 193 of 2016

Decided on: 25.4.2026

Vijay Kumar Gupta

... Petitioner

Versus

Beas Valley Corp.

...Respondent

Coram
Hon'ble Mr. Justice Virender Singh, Judge
Whether approved for reporting?

For the Petitioner: None.

For the Respondent : Mr. J.S. Bhogal, Senior Advocate, assisted by Ms. Swati Verma and Ms. Srishti Verma, Advocates.

Virender Singh, Judge (oral)

Despite repeated calls, no one has put appearance on behalf of petitioner.

2. The present petition has been filed under Section 115 of the CPC against order dated 6.1.2016, passed by learned Civil Judge (Sr.Division) Mandi, H.P. (hereinafter referred to as 'the trial Court'), by virtue of which, application under Order 6 Rule 17 CPC, filed in Civil Suit No. 104 of 2011, titled as, 'Beas Valley Power

Corporation Limited versus Vinay Kumar Gupta', has been allowed.

3. By way of present application, respondent-Beas Valley Corporation Ltd. has sought indulgence of this Court to correct the typographical error, in the amount claimed.

4. The plaintiff/petitioner, by way of application under Order 6 Rule 17 CPC sought amendment in the head note, in paras 5, 6, 7, 8 and 10, as well as, in the prayer clause, to correct the amount, sought to be recovered.

5. The said application has been contested by the non-applicant, mainly on the ground that proposed amendment was within the knowledge of applicant, when, the suit was filed, and if the proposed amendment is permitted to be carried out in the plaint, whole of the case will be re-opened and grave prejudice would be caused to the defendant.

6. On merits, the application has been contested almost on the similar grounds.

7. The learned trial Court has allowed the application mainly on the ground that the amendment sought by the plaintiff, is formal in nature and will not affect or change the nature of the suit and the case is at its initial stage.

8. The scope of interference in the orders, passed by the learned trial Court, by this Court, that too, under Article 227 of the Constitution of India, is limited. When, the factual position, as contained in the application, has duly been considered by the learned trial Court, while allowing the application, then, the intereference can only be made, in case, it is held that the learned trial Court has exceeded the jurisdiction, vested in it, while allowing the application.

9 It is not in dispute in this case, that by way of proposed amendments, only the amount sought to be recovered, in the suit, has been amended.

10. To the considered opinion of this Court, by way of amendment, allowed by the learned trial Court, neither nature of the suit will change nor any prejudice will be caused to the non-applicant/defendant.

11. Considering all these facts, there is no occasion for this Court to interfere with the well reasoned order, passed by the learned trial Court. Consequently, the present petition is dismissed. The pending application(s), if any, are also disposed of.

12. Record be returned back.

(Virender Singh)
Judge

25.4.2026
Kalpana