



CR No.6608 of 2024

1

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

211

Civil Revision No.6608 of 2024
Date of decision: February 16th, 2026

Pritam

.....Petitioner

Versus

Azad

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Divyam Singh and Mr. Yuvraj Garg, Advocates
for the petitioner.

Mr. Parveen Kaushik, Advocate
for the respondent.

VIKAS BAHL, J. (ORAL)

1. This is a civil revision petition under Article 227 of the Constitution of India for setting aside the order dated 06.11.2024 vide which the application under Order VI Rule 17 CPC for amendment of the application under Order IX Rule 13 CPC filed by the petitioner has been dismissed.

2. On 13.11.2024, this Court was pleased to pass the following order:

“Present:- Mr. Divyam Singh, Advocate for the petitioner.

Inter alia contends that the suit filed by the respondent-plaintiff was for permanent injunction and the said suit was decreed ex parte. It is further submitted that the petitioner is seeking an amendment in the application under Order 9 Rule 13 CPC in which there is no stay in favour of the petitioner and thus, the delay if any would



CR No.6608 of 2024

2

primarily prejudice the petitioner. It is submitted that the amendment sought is necessary for the proper and final adjudication.

Notice of motion for 17.03.2025.

The proceedings before the trial Court may go on but the final order be not passed.

13.11.2024”

3. Learned counsel for the petitioner, apart from reiterating what was argued on 13.11.2024, has further submitted that the application for amendment is only by way of explanation.

4. Learned counsel appearing for the respondent has submitted that in the present case, the petitioner was proceeded against *ex parte* on 24.09.2015 and the *ex parte* judgment and decree was passed on 12.05.2016 and has further submitted that the application was filed by the petitioner under Order IX Rule 13 CPC on 20.03.2017 and after a period of seven years the present application under Order VI Rule 17 CPC has been filed. It is submitted that evidence of both the parties is over and the case is fixed for final arguments. It is argued that in case the said application is to be allowed, then, heavy cost be imposed upon the petitioner and the respondent be also given due opportunity to lead rebuttal evidence to the evidence which the petitioner proposes to lead.

5. Learned counsel for the petitioner has submitted that the petitioner is ready to pay costs to the respondent.

6. Keeping in view the abovesaid facts and circumstances and the fair stand taken by the counsel for the petitioner as well as counsel for the respondent, the present revision petition is partly allowed and the impugned



CR No.6608 of 2024

3

order dated 06.11.2024 is set aside with the following observations/directions:

- (i) The petitioner would deposit an amount of ₹25,000/- on or before 07.03.2026, which is stated to be the next date of hearing and on the said deposit, the same would be released to the respondent. It is made clear that in case the cost is not deposited, then, present petition would be deemed to have been dismissed.
- (ii) The petitioner would be given one effective opportunity to lead evidence with respect to the facts which are now sought to be incorporated. The respondent/plaintiff would also be given one opportunity to rebut the said evidence.
- (iii) This Court has not opined on the merits of the amendment or of the case and it would be open to the parties to raise all pleas in accordance with law before the trial Court.

February 16th, 2026
Puneet

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No