

(2006) 10 P&H CK 0111

High Court Of Punjab And Haryana At Chandigarh

Case No: None

Brij Mohan Gupta

APPELLANT

Vs

Anil Kumar

RESPONDENT

Date of Decision: Oct. 13, 2006

Acts Referred:

- Civil Procedure Code, 1908 (CPC) - Order 6 Rule 17

Citation: (2007) 146 PLR 819 : (2007) 1 RCR(Civil) 692

Hon'ble Judges: Vinod K.Sharma, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Vinod K. Sharma, J.

Present revision petition has been filed against the order dated 27.5.2006 passed by the learned Trial Court allowing the amendment of the petition by the respondent herein.

2. By way of amendment the respondent herein sought elucidation and elaboration of the facts which were already pleaded. Learned court below came to the conclusion that the ground of personal necessity has already been pleaded and the amendment sought was only in the nature of clarification and elaboration of facts already pleaded. It was also held that by way of amendment no new ground and fresh cause of action has been pleaded. Therefore, the learned court below allowed the amendment subject to payment of Rs. 1,000/- as costs.

3. The only contention raised by the learned Counsel for the petitioner before the court below was that in view of the amendment in Order 6 Rule 17 of the CPC (for short the Code) no amendment could be allowed after the commencement of trial. However, the learned court below has rightly held that said amendment was not applicable to the present case as the pleadings in his case was filed prior to the amendment of Order 6 Rule 17 of the Code.

4. No prejudice has been caused to the petitioner by way of present amendment which may call for any interference by this court in revisional jurisdiction.

5. Dismissed.