

(2013) 08 P&H CK 0455
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 4579 of 2013

Balbir Parashar

APPELLANT

Vs

Narender Pal and Another

RESPONDENT

Date of Decision : 01-08-2013

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2013) 08 P&H CK 0455

Hon'ble Judges : Paramjeet Singh, J

Bench : Single Bench

Advocate : Adarsh Jain, for the Appellant;

Final Decision : Dismissed

Judgement

Paramjeet Singh, J.—Instant revision petition under Article 227 of the Constitution of India has been filed against the order dated 28.5.2013 whereby the trial court has allowed the amendment, which reads as under:-

Perusal of the case file reveals that the present case is at a very nascent stage as till date issues have not yet been framed and the trial has not commenced. Further the amendment sought by the plaintiff in para no. 1, 2, 3 of his plaint regarding typographical mistake is merely a minor correction. The said mistake seems to be typographical mistake. Thus in para no. 1 instead of 21 kanal 13 marlas, 21 kanal 17 marlas be substituted and similarly in para no. 2 of the plaint, the Killa no. 18(7-1) be substituted with "Killa no. 18(7-13)", and in para no. 3 of the plaint, the date of order be mentioned as "30.5.2006" instead of 17.8.2006.

Learned counsel for the petitioner contends that he is aggrieved only against the later part, which reads as under:-

Regarding the other relief claimed by the plaintiff that he wants to plead the fact of execution petition no. 31/2009 titled as "Balbir Vs. Suraj Pal" and Dakhal Rojnamcha no. 498 dated 2.2.2011 which has been subsequently cancelled vide

order dated 30.9.2011 this court is of the considered opinion that addition of this fact will only help in the proper adjudication of matter in question. The plaintiff, however could challenge the Rapat Rojnamcha no. 498 dated 2.2.2011 by way of a separate suit also but that would only lead to multiplicity of proceedings.

2. So far as the second part is concerned, this part came into being subsequently as such it being a subsequent even cannot be denied. It cannot be presumed that it was in the knowledge of the plaintiff at earlier point of time when plaint was filed. Since the occurrence has occurred subsequently, plaintiff/respondent has every right to amend the plaint. Even otherwise, decision of the suit should not be based on the technicalities of law. Furthermore, even the issues in this case have not been framed and the case is at the initial stage.

3. I do not find any illegality or perversity in the impugned order. Dismissed.