
(1990) 11 P&H CK 0052
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 1459 of 1990

Sukhwinder Singh and Co.

APPELLANT

Vs

Sohan Singh

RESPONDENT

Date of Decision : 20-11-1990

Acts Referred:

Citation : (1991) ISJ 339 : (1991) PLJ 65 : (1991) 1 RRR 514

Hon'ble Judges : I.S.Tiwana, J

Advocate : Mr. R.K. Joshi, Advocate., Advocates for appearing Parties

Judgement

I.S. Tiwana, J. (Oral)

1. This petition is directed against the order of the Senior SubJudge, Amritsar, dated 25th April, 1990, whereby the petitioner's prayer for amendment of the plaint was rejected.

2. It is the undisputed position that this prayer had been made only after one week of filing of the suit, i.e. even before the putting in appearance of the defendant or his filing of the written statement. The prayer for amendment had been rejected mainly for the reason that the petitioner wanted to raise certain inconsistent and contradictory pleas. Even if that be so, that to my mind cannot be a good reason for rejecting the prayer at the initial stage of the trial. It has repeatedly been laid down that the provisions of Order 6, Rule 17 of the Code of Civil Procedure have to be construed liberally unless an irreparable loss is likely to be caused to the opposite side, the amendment sought for should, in the normal course, be allowed. Even till today the defendant/respondent has notified his written statement. Therefore, I set aside the impugned order and allow this petition.

3. The net result is that the trial Court would entertain the amended plaint as filed by the petitioner and proceed with the trial. No costs.