

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

CR No.2692 of 2013

Date of decision: 29.04.2013.

Dhare

..Petitioner

Versus

Ram Kanwar and others

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Jitender Nara, Advocate,
for the petitioner.

Daya Chaudhary, J. (Oral)

The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 11.03.2013 vide which, application filed by the petitioner for amendment of plaint has been dismissed.

Learned counsel for the petitioner inter alia contends that inadvertently in para No.4 of the plaint, khasra number and khatoni number of the land in dispute was not mentioned and this fact came to the notice of the petitioner at the time of filing written statement to the plaint. Application moved by the petitioner for amendment of plaint has been dismissed only on the ground that it was moved at a later stage and prejudice would be caused to the other party. Learned counsel for the petitioner also submits that the suit is at initial stage and being plaintiff, the petitioner is not going to get any benefit in delaying the suit proceedings and no prejudice would be caused as neither the nature of the suit is going to change nor the

proceedings before the trial Court will get delayed. Some inadvertent clerical and typographical mistake was there as khasra number and khatoni number of the land in dispute was not mentioned whereas rectangle number and killa number and area was mentioned.

Heard arguments of learned counsel for the petitioner and have also perused the impugned order.

On perusal of the amendment, which is reproduced in the petition as well as in the impugned order, it appears that neither nature of the suit is going to be changed nor it is a later stage and moreover, the petitioner is plaintiff in the plaint and no prejudice would be caused to the other party. It cannot be said that the application was moved at a later stage.

Without issuing any notice to the other party as it may delay the proceedings and unnecessary expenses will have to be incurred by the other party by engaging counsel before this Court, the present revision petition is allowed and impugned order dated 11.03.2013 is set-aside and the trial Court is directed to allow the application moved by the petitioner for amendment of the plaint as mentioned in para No.4 of the plaint, subject to payment of costs of ₹5000/- to be deposited with the Legal Services Authority.

Disposed of accordingly.

29.04.2013
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(DAYA CHAUDHARY)
JUDGE