

Mitter Sain Goel Vs. State of Punjab

CS-3585-2021

Present: Sh. H. R. Dhanda Advocate for plaintiff.  
Sh. Balwinder Singh Government Pleader for defendants

Arguments heard on application dated 01.02.2023 moved by applicant/plaintiff under Order 6 Rule 17 CPC, thereby seeking permission to amend the plaint.

2. It has been argued by learned counsel for applicant/plaintiff that during the pendency of present suit, certain facts have come to the knowledge of applicant/plaintiff, which are very much essential for deciding the controversy between the parties. The case is at initial stage and issues in the present matter are yet to be framed. The proposed amendment will not change the nature of the suit. As such, the applicant/plaintiff intends to amend the plaint by adding para no.11-A after para no.11 of the plaint, as detailed in the application in hand itself. Hence need arose to move application in hand.

*Per contra*, it has been argued by learned Government Pleader for respondents/defendants that application for seeking amendment of pleadings under Order 6 Rule 17 CPC is not maintainable after commencement of trial and has been filed just to harass the respondents/defendants and to prolong the case. The amendments sought for by the applicant/plaintiff cannot be allowed as it will change the nature of the present suit. Hence prayed that the application may be dismissed.

After hearing rival contentions of both the learned counsels for the parties, I have minutely analysed the record with their able

assistance.

Perusal of the file reveals that applications moved by plaintiff U/O 1 rule 10 CPC were disposed of vide orders dated 27.01.2023 passed by my learned Predecessor and the case was fixed for consideration on application U/O 39 Rules 1, 2 CPC. Issues in the present case are yet to be framed. Therefore, it is evidently clear from the proceedings recorded in the file that trial of the case has virtually not commenced in the present case. Moreover, by moving the application in hand, the applicant/plaintiff is not going to change the nature of suit. Thus no prejudice is going to be caused to applicants/defendants. Accordingly, application in hand stands allowed. Plaintiff is allowed to amend the plaint in consonance of application in hand. For filing amended plaint, the case stands adjourned to 12.04.2023.

Pronounced in open Court  
Dated: 21.03.2023.

(Sumit Makkar)  
Addl. Civil Judge (Sr. Divn),  
Ludhiana. UID No.PB0258

Gurpreet Singh Stg-I