

Nirmla Devi vs. Pawan Kumar

Present: Sh. Amit Kumar, Adv. Counsel for petitioner/applicant.
Sh. S.P. Sehgal, Adv. Counsel for respondent.

Arguments heard on application filed by petitioner under Order 6 Rule 17 CPC read with Section 151 CPC for amendment of head note of application.

It is submitted that while drafting the petition inadvertently the boundaries of the demised premises incorrectly typed in the head note of the petition. It is further submitted that the description of the property was also mentioned on old jamabandi. Now the applicant wants to amend the petition by mentioning the correct boundaries as per the site plan and also wants to change the description from the recent jamabandi. Accordingly, prayer for acceptance of application made.

Application opposed on the ground that the petition was drafted by the petitioner and verified by him. There is no ground to allow the present amendment application. It will change the nature of the property in dispute. It is submitted that the application may be dismissed.

Considered. The present petition is at initial stage and was fixed for filing replication when this amendment application has been filed. The proposed amendment is explanatory in nature. There is no prejudice to the respondent if the application is allowed. I am of the opinion that the proposed amendment is essential for the just decision of the case. Therefore, the present amendment application stands allowed, subject to costs of ₹ 1000/- to be paid to respondent. Amended head note is on file. Now to come upon 14.05.2019 for payment of costs as well as for filing written reply by respondent.

Pronounced in open court
18.04.2019
(Aman Stenographer Gr. III)

(Mandeep Singh), PCS
Civil Judge (Jr. Divn.)
Gidderbaha
(UID No.PB-0409)