



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

**CR-4914-2024(O&M)  
Date of decision: 06.08.2025**

Bharat Food and Agro Products and others  
... Petitioners

Versus

M/s Bapu Assa Ram Ji & Company and others  
... Respondents

**CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Rishav Jain, Advocate,  
Mr. Manish Jindal, Advocate, and  
Ms. Vasudha, Advocate, for the petitioners.

Mr. Lalit Singla, Advocate, and  
Mr. Varun Gupta, Advocate, for respondent No.1.  
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**VIKRAM AGGARWAL, J. (ORAL)**

The instant revision petition, preferred under Article 227 of the Constitution of India, assails the order dated 20.05.2024 (Annexure P-9), passed by the Court of Civil Judge (Jr. Divn.), Moonak, vide which the application moved by respondent No.1-plaintiff under Order 6 Rule 17 CPC for amendment of plaint was allowed.

2. A suit for recovery of Rs.30,20,218/- (Annexure P-1) was filed by respondent No.1-plaintiff against the petitioners and proforma respondents No.2 & 3. Written statement and counter-claim (Annexure P-2) were filed followed by reply to the counter claim (Annexure P-3). During the pendency of the suit, an application under Order 6 Rule 17 read with Section 151 CPC (Annexure P-4) was moved seeking certain amendments in the plaint.



3. The said application was opposed by way of reply (Annexure P-5).

4. Vide impugned order dated 20.05.2024 (Annexure P-9), the application for amendment in the plaint was allowed, leading to the filing of the instant revision petition.

5. I have heard learned counsel for the parties.

6. Learned counsel for the petitioners submits that the amendment was erroneously allowed, as respondent No.1-plaintiff failed to prove that he had been diligent in pursuing his case.

7. Per contra, learned counsel for respondent No.1-plaintiff submits that there is no illegality in the impugned order, and that the amendments sought to be made in the plaint were formal in nature, whereby the nature of the suit did not change nor did the amendments cause any prejudice to the petitioners/defendants.

8. I have considered the submissions made by learned counsel representing the parties.

9. As regards amendment of pleadings, the Hon'ble Supreme Court in the case of **Revajeetu Builders & Developers versus Narayanaswamy & Sons & Others 2009 (10) SCC 84**, and **Life Insurance Corporation of India versus Sanjeev Builders Private Limited & Anr. 2022 AIR (Supreme Court)**, has laid down the following guidelines:

**“67. On critically analyzing both the English and Indian cases, some basic principles emerge which ought to be taken into consideration while allowing or rejecting the application for amendment.**



**(1) Whether the amendment sought is imperative for proper and effective adjudication of the case?**

**(2) Whether the application for amendment is bona fide or mala fide?**

**(3) The amendment should not cause such prejudice to the other side which cannot be compensated adequately in terms of money;**

**(4) Refusing amendment would in fact lead to injustice or lead to multiple litigation;**

**(5) Whether the proposed amendment constitutionally or fundamentally changes the nature and character of the case? and**

**(6) As a general rule, the court should decline amendments if a fresh suit on the amended claims would be barred by limitation on the date of application.”**

10. Reverting to the facts of the present case, by way of the amendment application, the respondent No.1-plaintiff sought to make certain formal amendments in the plaint:

**“A) That in the array of defendants, in defendant No.1, the words 'Pvt. Limited" are to be deleted and after the words Managing Director, '/Partner' is to be added. Similarly, is to be written in defendant No.2.**

**B) That in Para No. 1 of the plaint, instead of sole proprietorship firm, the word 'Partnership' is to be written.**

**C) That in Para No.3 of the plaint, in 1st line and reply of the counter claim in Para No.1, in second line**



**the words 'private limited company' are to be deleted and words 'Partnership form' are to be written.**

**D) In Para No.3 of plaint, in 2nd line and reply of the counter claim in Para No.1, 3rd line, after the words 'managing director', the word '/partner' is to be written. Similarly, in the body of plaint, after the word 'director', the word '/partner' is to be written.”**

11. It would be relevant to note that issues in the case were framed vide order dated 07.03.2022 (Annexure P-6), and the application for amendment was moved in February, 2024. No doubt, the said application was filed at a stage when the case had already progressed and, under normal circumstances, such amendments would not be allowed keeping in view the proviso to Order 6 Rule 17 CPC. However, if one goes to the application, it emerges that the amendments sought are formal in nature, would not change the nature of the suit, nor would they cause any prejudice to the petitioners/defendants.

11.1 The trial Court rightly held that the Rules of procedure are handmaid of justice and are to be used to advance the cause of justice rather than to scuttle the same. It was also held that the proposed amendments would be essential for the complete and effective adjudication of the matter in hand.

12. I do not find any reason to interfere in the well reasoned order passed by the trial Court. However, keeping in view the fact that the application was moved at a relatively later stage, the plaintiffs ought to have been put to certain terms.



13. In view of the aforesaid, while upholding the order passed by the trial Court, it is ordered that the amendment shall be allowed subject to payment of costs amounting to Rs.10,000/- to the present petitioners.

14. The revision petition is accordingly disposed of.

15. Pending applications, if any, shall also stand disposed of.

**( Vikram Aggarwal )**  
**Judge**

**August 6, 2025**

Rajan

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| Whether speaking / reasoned: | Yes/No |
| Whether Reportable:          | Yes/No |