



CR-5945-2025 (O&M)

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

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**CR-5945-2025 (O&M)
Decided on 01.09.2025**

Shivani Verma

....Petitioner

VERSUS

M/s Shri Achleshwar Coal Traders and Another

...Respondents

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Neeraj Yadav, Advocate for the petitioner.

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MANDEEP PANNU J.

1. The present revision petition has been filed by the petitioner-plaintiff challenging the order dated 21.08.2025 passed by the learned Civil Judge (Junior Division), Gurdaspur whereby the application moved by the plaintiff under Order 6 Rule 17 CPC seeking amendment of the plaint was dismissed.
2. The brief facts necessary for adjudication are that the plaintiff has instituted a suit for recovery against the defendants. In the plaint, the business of the defendant was inadvertently described as “brick kiln.” The plaintiff moved an application under Order 6 Rule 17 CPC seeking amendment only to the extent of substituting this description from “brick kiln” to “coal supply.” It was specifically pointed out in the application that the defendant himself in his written statement has admitted that he is not engaged in the business of brick kiln but is running a business of coal supply under the name and style of M/s Shri Achleshwar Coal Traders. The plaintiff further relied on legal notices exchanged between the parties dated 23.07.2020 and 28.07.2020 where the defendant’s business of coal supply has been acknowledged.



3. The trial Court, however, dismissed the application on the ground that the proposed amendment was not permissible and would amount to altering the nature of the suit.

4. Having considered the submissions of learned counsel for the petitioner and having perused the record, this Court is of the view that the impugned order cannot be sustained.

5. It is a settled principle of law that amendments which are necessary for determining the real question in controversy between the parties ought to be allowed unless they cause prejudice to the opposite side or fundamentally change the cause of action. The Hon'ble Supreme Court in *Revajeetu Builders & Developers v. Narayanaswamy & Sons (2009) 10 SCC 84* and again in *Life Insurance Corporation v. Sanjeev Builders Pvt. Ltd. (2022) SCC Online SC 1128* has held that amendments which are clarificatory in nature, or which merely seek to bring pleadings in line with admitted facts, should ordinarily be allowed. The amendment sought in the present case does not in any manner change the nature of the suit. The suit continues to be one for recovery based on the same transaction and the only correction sought is the substitution of the nature of business of the defendant from "brick kiln" to "coal supply."

6. The contention of the trial Court that the change is impermissible overlooks the fact that the defendant himself has pleaded in his written statement that he is not running a brick kiln and that the transactions between the parties were in relation to coal supply. Once the defendant himself admits his business is coal trading, there is no reason to deny the plaintiff's prayer to amend the plaint to bring it in conformity with admitted facts.

7. It is also relevant to note that the suit is still at the initial stage and the plaintiff is yet to lead evidence. Allowing the amendment would not prejudice the



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defendants in any manner, as they are already fully aware of their own line of business and have themselves pleaded the same. On the contrary, refusing the amendment would perpetuate a typographical error and may result in the adjudication of the matter on an incorrect factual premise. Courts of law exist to decide disputes on merits and not to defeat just claims on account of technicalities.

8. The amendment sought does not introduce a new cause of action, does not substitute a new claim, and does not alter the character of the suit. It merely corrects an inadvertent description which is borne out from the pleadings and documents on record. In fact, in an identical connected suit between the same parties, the same amendment has already been allowed, which further fortifies the correctness of the petitioner's stand.

9. In view of the settled law that all amendments necessary for the proper adjudication of the controversy are to be allowed, and keeping in view the fact that the amendment in the present case is confined only to substituting the business description of the defendant from brick kiln to coal supply, this Court is of the opinion that the trial Court has erred in dismissing the application.

10. Accordingly, the present revision petition is allowed. The impugned order dated 21.08.2025 passed by the learned Civil Judge (Junior Division), Gurdaspur is hereby set aside. The amendment sought by the plaintiff is permitted subject to payment of Rs.10,000/- as costs to be paid to the respondent-defendants.

11. Pending application(s), if any, also stand disposed of.

September 01, 2025
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(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No