

2025:PHHC:023036



[139] IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR-4704-2024 (O&M)

Date of Decision : 10.02.2025

Kanwaljit Kalra ...Petitioner

versus

Reena Jain ....Respondent

Coram : **HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Abhishek Sharma, Advocate  
for the petitioner.

None for the respondent.

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**PANKAJ JAIN, J. (ORAL)**

[1] This is a revision petition directed against order dated 03.05.2024 passed by the learned Civil Judge (Junior Division), Ludhiana whereby, application filed by the plaintiff, seeking amendment of plaint under Order VI Rule 17 CPC stands declined.

[2] From the perusal of the impugned order, it seems that the learned Trial Court dismissed the suit holding that plaintiff failed to plead facts in his knowledge at the initial stage. The amendment being sought at a belated stage cannot be allowed.

[3] Counsel for the petitioner claims that the application seeking amendment of the plaint was filed prior to framing of issues. While issuing notice of motion on 22.08.2024, this Court passed following



order:-

*“ Counsel for the petitioner inter alia submits that the trial is yet to commence and thus the amendment in the pleadings ought not have been denied.*

*Issue notice of motion, returnable for 05.11.2024.”*

[4] Despite service, respondent opted not to appear. Proceedings before the learned Trial Court were ordered to be stayed vide order dated 27.11.2024. Still respondent failed to appear.

[5] In the considered opinion of this Court, the application seeking amendment of plaint filed under Order VI Rule 17 CPC ought not have been dismissed, holding the same to be belated when even the issues have not been framed. Meaning thereby, that the trial has not even commenced.

[6] Trite it is, that the parameters to adjudicate application, seeking amendment of pleadings prior to framing of issues are not the same as are required to be followed at the time the amendment is sought at the belated stage. When the Court is yet to apply its mind and a trial is yet to commence, amendment sought cannot be dismissed on the ground that the application has been moved belatedly.

[7] For the aforesaid reason, this Court finds that the impugned order is not sustainable. This Court has deliberately restrained from commenting anything on the merits of the case. Impugned order is hereby

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*set aside.* Learned Trial Court is directed to decide application afresh in accordance with law within a period of 04 weeks from the date of receipt of the certified copy of the order.

[8] **Allowed.**

[9] All pending miscellaneous application(s), if any, stands *disposed off.*

**(PANKAJ JAIN)**  
**JUDGE**

10.02.2025  
'R. Sharma'

*Whether speaking/ reasoned* : *Yes/No*  
*Whether reportable* : *Yes/No*