



CR-5368-2025 (O&M)

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

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**CR-5368-2025 (O&M)
Decided on :- 12.08.2025**

Ravinder Singh

...Petitioner

VERSUS

Shubh Kumar

...Respondent

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Rai Singh Chauhan, Advocate for the petitioner.

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MANDEEP PANNU J.

1. The present revision petition has been filed challenging the order dated 20.12.2024 passed by the learned Additional Civil Judge (Senior Division), Dasuya, (Annexure P-7) whereby the application filed by the respondent/plaintiff (hereinafter referred to as the 'respondent') under Order VI Rule 17 CPC for amendment of the plaint has been allowed, despite the pendency of an application under Order VII Rule 11 CPC filed by the petitioner/defendant (hereinafter referred to as the 'petitioner')

2. The brief facts, as emerging from the record, are that the plaintiff instituted a suit for recovery of ₹1,00,00,000/- along with interest at the rate of 18% per annum as damages. The defendant entered appearance and filed an application under Order VII Rule 11 CPC for rejection of the plaint on the ground that the plaintiff had failed to affix ad valorem court fee on the claimed amount, rendering the suit liable to be dismissed.

3. During the pendency of the said application, the plaintiff moved an application under Order VI Rule 17 CPC seeking amendment of the plaint by



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substituting the amount of ₹1,00,00,000/- with the words “liquidated damages as assessed by the Hon’ble Court.” The learned trial Court, vide the impugned order dated 20.12.2024, allowed the amendment.

4. Learned counsel for the petitioner has contended that the trial Court committed a serious illegality in deciding the application under Order VI Rule 17 CPC prior to adjudicating the pending application under Order VII Rule 11 CPC. It is submitted that, had the Court first decided the application under Order VII Rule 11 CPC, the plaint would have been rejected for want of proper court fee on the fixed claim of ₹1,00,00,000/-.

5. I have heard learned counsel for the petitioner and have gone through the record.

6. I find no merit in the contention raised by the learned counsel for the petitioner. There is no legal bar or absolute prohibition against deciding an application for amendment prior to deciding an application under Order VII Rule 11 CPC. On the contrary, the normal course would be to first consider and decide the amendment application, so that the pleadings, as finally settled, can then be tested on the parameters of Order VII Rule 11 CPC.

7. Reliance in this regard may be placed on the judgment of a Coordinate Bench of this Court in ***Dera Baba Bhumman Shah Sangar Sarista v. Dr. Subhash Narula***, wherein it was held that the trial Court should decide the application under Order VI Rule 17 CPC before considering the application under Order VII Rule 11 CPC, and thereafter test the amended plaint at the threshold under Order VII Rule 11 CPC, if necessary.

8. Applying the ratio of the aforesaid judgment to the facts of the present case, once the amendment has been allowed, it is the amended plaint which would



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be examined under Order VII Rule 11 CPC. The course adopted by the learned trial Court, therefore, suffers from no illegality or material irregularity.

9. In view of the above, the impugned order dated 20.12.2024 (Annexure P-7) is upheld. The revision petition, being devoid of merit, is dismissed.

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

August 12, 2025
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(MANDEEP PANNU)
JUDGE

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