

CIS No.	CS-57487-2013
CNR No.	PBJL02-003756-2013

Present : Sh. IS Bhatia counsel for plaintiffs.
Sh. MS Sodhi counsel for defendant no. 1,3,4,5,7,8,9&10
Sh. Umesh Dhingra counsel for defendant no.2
Suit against defendants no. 11, 12, 13 and 14 DAW
Defendant no. 6 exparte

Order:-

This order of mine shall dispose of an application under order 6 Rule 17 CPC read with Section 151 CPC for amendment of plaint.

2. Brief facts of the application are that the defendants have leveled frivolous allegations against the plaintiffs of misappropriation of gold and diamond articles of the defendants but the said allegations are not supported by any documentary evidence. Moreover, some of the defendants had also filed complaints with the police against the plaintiffs on the similar allegations. The defendants are also proclaiming that they have to recover huge amounts from the plaintiffs and had been unduly harassing the plaintiff no. 2 which lead to the filing of the present suit. Further averred that in order to effectively and conclusively adjudicate upon the grievances of the plaintiffs and to avoid multiplicity of litigation, the plaintiffs want to amend the plaint as mentioned in the application. It is, therefore, prayed that proposed amendment as mentioned in the application may kindly be allowed to be made in the plaint, in the interest of justice.

3. Reply to the application has been filed and it is contended that the application is not maintainable as the trial of the suit has already been started since long time that after framing of issues. The plaintiffs as per the record of the suit availed numerous opportunities for giving his evidence, but failed to lead the evidence and now application has been filed by the plaintiffs in order to delay the proceedings without any sufficient reason. Through the intended proposed amendment in the plaint, applicant wants to rectify the inheritance legal defect in the plaint. Rest of all the averments mentioned in the application have been denied and requested for dismissal of the application.

4. I have heard the learned counsel for both the parties. This court is of the considered opinion that perusal of file reveals that the case is fixed at the stage of plaintiff evidence and plaintiffs has availed numerous opportunities for giving his evidence, but failed to lead the evidence and now the present application has been moved by the plaintiffs in order to delay the proceedings without any sufficient reason. Moreover, if the amendment sought in the application be allowed to be incorporated than it will change the nature of the proceedings and would create a new cause of action. Accordingly, present application under Order 6 Rule 17 read with section 151 CPC for amendment in plaint is dismissed. Case is now adjourned for 21.05.2018 for plaintiff evidence subject to last opportunity.

It is, however, made clear that this order has no bearing on

the merits of the case.

Pronounced in open Court:

Dated:-11.05.2018

**Geeta Rani*

Next date 21.05.2018

Purpose

(Etu Sodhi), PCS,
Civil Judge (Jr. Division),
Jalandhar (UID No.PB0431)

Certified that all the three (3) pages of this Order are signed by me which have been dictated and typed directly on the computer.

Dated:-11.05.2018

(Etu Sodhi), PCS,
Civil Judge (Jr. Division),
Jalandhar (UID No.PB0431)