

2537 Joginder Singh vs Union of India

Present: None for Plaintiff
GP for Defendants no. 1 to 4
Sh. Devinder Singh, Counsel for Defendant no. 5

Heard on application filed by the defendant no.5 under Order 6 Rule 17 of CPC for amendment of counter claim. It has been stated that the plaintiff had executed lease deed dated 01.03.2018 in favour of defendant no.5 and due to subsequent events refundable security has become due against the plaintiff. As such, prayer has been made allow the defendant no.5 to amend his counter claim. Perusal of the file shows that the plaintiff is not appearing in the present suit and his suit has been dismissed in default whereas he has been proceeded ex parte in the counter claim filed against him by the defendant no.5. The counter claim was fixed for ex parte evidence when the present application was filed seeking leave to amend the counter claim. As the trial has not been commenced so far and the facts sought to be brought on record by way of amendment of counter claim are essential for proper adjudication of the counter claim, the present application is hereby allowed. The defendant no.5 is permitted to amend the counter claim as prayed in the present application.

Now to come up on 28.04.2023 for filing amended counter claim.

Dated:12.04.2023
Manju

(Komple Dhanjal)
CJ(JD)/CHD
UID No. PB0374