

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

C.R. No.378 of 2019
Dancom Pakistan (Pvt.) Ltd.
Versus
Muhammad Islam and others

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
-------------------------------	----------------------------	---

18.02.2020	Syed Haider Ali, Advocate for the petitioner. Mr. Muhammad Jamal Khan, Advocate for respondent No.2. Hafiz Muhammad Akram Awan, Advocate for respondents No.3 and 4.
------------	--

Through the instant civil revision petition, the petitioner, Dancom Pakistan (Pvt.) Ltd., impugns the order dated 09.07.2019 only to the extent whereby the learned Civil Court allowed amendments in the written statement.

2. Learned counsel for the petitioner submitted that the amendments which were allowed by the learned Civil Court to be made in the written statement would change the nature and complexion of the written statement; that the said application was filed belatedly and after the evidence of the petitioner/plaintiff's witness was recorded; and that the amendment sought in the written statement was vague inasmuch as no date or time of the transfer and description of five commercial plots had been given. Learned counsel for the petitioner prayed for the revision petition to be allowed.

3. On the other hand, learned counsel for respondent No.2 submitted that till date only the examination-in-chief of one of the petitioner / plaintiff's witnesses has been recorded; that the cross-examination of the said witness is yet to take place; that respondent No.2 has no intention to delay the proceedings in the suit; that the petitioner had also filed an application for the

amendment of the plaint, which application had been allowed; and that the learned Civil Court did not exercise its discretion arbitrarily or unlawfully in allowing respondent No.2's application for the amendment in the written statement. Learned counsel for respondent No.2 prayed for the revision petition to be dismissed.

4. I have heard the contentions of the learned counsel for the contesting parties and have perused the record with their able assistance.

5. The written statement had been filed by respondent No.2 on 30.09.2016. The application for the amendment in the written statement was filed on 26.06.2018. Till date, the examination-in-chief of one of the petitioner's witnesses has taken place. It is not disputed that the petitioner's application for amendment in the plaint had been allowed by the learned Civil Court with the consent of the respondents other than respondent No.2. The rationale given by the learned Civil Court for allowing the application for amendment in the written statement is neither unlawful nor arbitrary. Indeed, through the amendment, respondent No.2 sought to bring the details of the transaction in the form of pleadings.

6. Since I do not find the discretion exercised by the learned Civil Court in passing the impugned order dated 09.07.2019 to be arbitrary. Consequently, the instant revision petition is dismissed. It is expected that the learned Civil Court will proceed with the matter expeditiously.

(MIANGUL HASSAN AURANGZEB)
JUDGE