

C.Rev. No. 40 of 2008

28.11.2008 Present: Mr. Suneet goel, counsel for the petitioner.

Mr. G.C. Gupta, Sr. Advocate with Mr. Deepak Gupta, counsel for the respondents.

This review petition has been filed with the prayer that the amendment allowed vide order dated 20th June, 2008 should have been made prospective only. The detailed facts of the case are not being given since they are contained in my order dated 20th June, 2008 whereby the application for amendment filed by the plaintiff was allowed. It is, however, fact that while arguments were being addressed the defendants had urged that the amendment should be made prospective, i.e. effective only from the date of the allowing of the amendment while deciding the case. This aspect of the matter was not kept into consideration, while disposing of the case.

Now, the suit filed by the plaintiff stands already decreed. Therefore, no purpose will be served in reviewing the order. However, it is made clear that the question whether the amendment should be prospective or not is a question left open for decision by the Appellate Court and the defendants shall be at liberty to raise this point in appeal before the Appellate Court. Review Petition is disposed of in the aforesaid terms. No costs.

November 28, 2008
TM

(Deepak Gupta), J.