

Regular List
Serial No. 07

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CM(M) No. 102/2026
CM No. 3390/2026

Date of pronouncement : 29.05.2026
Uploaded on : 02.06.2026

Sain Dass

.....Petitioner

Through:- Mr. Amit Khajuria, Advocate.

Jai Gopal

V/s



.....Respondent

Through:-

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER

01. The petitioner-Sain Dass is plaintiff in a civil suit before the court of learned Munsiff, R. S. Pura.

02. The suit is on **file No. 118/Civil** instituted on **11.09.2017**. The respondent herein is the sole defendant in the said suit.

03. Before the petitioner came forward with the aforesaid suit on **11.09.2017**, the petitioner had already

filed a civil suit against the respondent before the court at R. S. Pura in which the sole respondent herein, as the sole defendant, appeared and filed a written statement, wherein he is said to have set up a claim that he was the adopted son of Tirth Ram.

04. This disclosure about the claim of the respondent being son adopted son of Tirth Ram admittedly came to the notice of the petitioner in **December, 2014** in the course of pendency of his first civil suit.

05. It took the petitioner almost more than 2½ years to come up with the instant suit before the court of learned Munsiff, R. S. Pura.

06. The respondent came to contest the ongoing civil suit of the petitioner in which, upon framing of issues, the evidence stage has been entered when it occurred to the petitioner in **February, 2023** that he has missed out making essential factual averments/assertions in his civil suit in particular related to the temple by reference to which the petitioner in para 2 of his plaint claims himself to be the Manager/Poojari.

07. Said application of the petitioner has come to suffer rejection in terms of an order dated **17.02.2026** i.e.,

after a period of three years from the date of filing of application for amendment of the plaint.

08. After the rejection of his said application for amendment of plaint, the petitioner comes forth with the present petition under article 227 of the Constitution of India assailing the legality and validity of the order dated **17.02.2026** of the court of learned Munsiff, R. S. Pura.

09. When this Court peruses the reasoning of the learned Munsiff, R. S. Pura, this Court finds no basis to interject.

10. The learned Munsiff, R. S. Pura is on record to say that the amendments sought by the petitioner are relatable to facts which were already in his knowledge and, therefore, he missed to make mention of those in his original plaint at his own risk and cost for which it is too late for him to come up and seek amendment as that would be literally putting the clock back to the year 2017 as if the suit was being twice born for the satisfaction of the petitioner.

11. This Court has perused the application filed by the petitioner seeking amendment of the plaint and even this Court finds itself bit surprised that how could petitioner be heard to say that he missed out in coming up with the

factual detailing in his original suit which otherwise was supposed to bear the factual narrative as proposed to be introduced through amendment mode.

12. The suit filed by the petitioner is not for a declaration with respect to his own status vis-à-vis the temple in question but is related to the adoption deed which the petitioner intends to be declared as null and void with consequential relief of permanent prohibitory injunction for restraining the respondent from producing the said adoption deed before any revenue authority or proclaiming himself, on the basis of the said adoption deed as the adopted son of Tirth Ram or claiming any right *qua* the temple in reference.

13. Once the petitioner himself has come up with a claim that he is the Manager and Poojari of the temple in reference, the petitioner is expected to prove said assertion of fact on the basis of the evidence which is supposed to have been led from the end of the petitioner and, therefore, the amendment sought by the petitioner was to be of no avail by reference to the petitioner's assertion in the plaint that he is Manager/Poojari of the Radha Krishan Ji Mandir at village Mulo Chak tehsil Suchetgarh and is managing the affairs of the said temple.

14. In the light of the aforesaid, this Court finds no good reason to take the petition on board and, therefore, **dismisses** it without prejudice to the case of the petitioner put up in the plaint and the evidence therein.

15. Considering the age of the case, now being more than eight years old, this Court urges the trial court to give due expediency to the trial of civil suit so as to bring it to final adjudication without admitting the parties to unwarranted and misconceived adjournments.

16. The present petition is, accordingly, **dismissed** along with connected application.

17. A copy of this order be forwarded to learned Munsiff, R. S. Pura by the learned Registrar Judicial, Jammu for the sake of notice and record.

(RAHUL BHARTI)
JUDGE

JAMMU
29.05.2026

Bunty

Whether the order is speaking: Yes/No

Whether the order is reportable: Yes/No