



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPMS/1466/2026</u> Pramod Kumar Sharma ... Petitioner Versus Ashwini Kumar Mittal ... Respondent <u>Hon'ble Manoj Kumar Tiwari, J</u> 1. Mr. Siddhartha Singh, learned counsel for the petitioner. 2. Mr. Navneet Kaushik, learned counsel for the respondent. 3. This is plaintiff's petition under Article 227 of the Constitution of India challenging the order dated 20.01.2026 passed by learned Civil Judge (S.D.), Haridwar in Original Suit No. 18 of 2018. By the said order, petitioner's application, seeking leave to amend the plaint, was rejected. Feeling aggrieved, petitioner filed revision petition, which also was dismissed by Revisional Court vide judgment dated 12.05.2026. Petitioner has approached this Court challenging these two orders. 4. Petitioner filed suit for permanent injunction. His application, seeking temporary injunction, was rejected by trial court by holding that he could not establish his <i>prima facie</i> case for grant of interim relief. The view taken by trial court was affirmed by Appellate Court. Petitioner thereafter moved an application under Order 6 Rule 17 CPC, seeking permission to add a sentence in para 2 of the plaint. The sentence, which he sought to add goes on to say that, "<i>plaintiff is using the land in question as parking and is also earning profit from the said land, and further that the defendant has no concern with the possession or title qua the land in</i>



			question”. 5. Learned trial court rejected the application seeking leave to amend the plaint by holding that since petitioner could not prove his <i>prima facie</i> case and possession over the land in question, therefore, he cannot be granted leave to amend the plaint, in the manner prayed by him. 6. Learned Revisional Court dismissed the revision petition filed by petitioner by a detailed judgment dated 12.05.2026 by holding that amendment sought is not <i>bona fide</i>; there is delay of more than eight years in seeking leave to amend the plaint. Learned Revisional Court further held that although any observation made by trial court, while deciding temporary injunction application, is not binding, however, that may be taken note of while considering prayer for amending the plaint. Learned Revisional Court further held that amendment sought is not clarificatory but by amendment, petitioner wants to introduce a new plea. 7. It is not in dispute that after exchange of pleadings, issues were framed in the suit long back. 8. This Court is not inclined to interfere in the matter. Even though the reasoning given by learned trial court cannot be said to be perfect, however, having regard to the facts and circumstances of the case, rejection of petitioner’s amendment application calls for no interference. 9. Accordingly, the writ petition fails and is dismissed. (Manoj Kumar Tiwari, J) 01.07.2026 Aswal
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