

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 3050 of 2014
Date of Decision: 06.07.2015.**

Ram Parkash

.....Petitioner

Versus

Surender and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Ajit Sihag, Advocate
for the petitioner.

Mr. Shalender Mohan, Advocate
for the respondents.

SABINA, J.

Petitioner has filed this petition under Article 227 of Constitution of India challenging the order dated 28.2.2014 (Annexure P-5) whereby application moved by the petitioner for permission to amend the plaint was dismissed.

I have heard the learned counsel for the parties and have gone through the record available on the file carefully.

Petitioner has filed suit for mandatory and prohibitory injunction restraining the defendants from taking illegal possession of the suit land and from making any type of construction on the suit land. During the pendency of the suit, petitioner moved an application under Order 6 Rule 17 of the Code of Civil Procedure, 1908 for permission to amend the plaint. The case of the petitioner was that during the pendency of the suit, respondents had taken forcible possession of the suit land and had constructed a room.

The case of the respondents, on the other hand, was that, although, the land was jointly owned by the parties but they were in possession of the suit land. It was further the case of the respondents that they had already constructed a room in the suit land and had only repaired the same before filing of the suit.

In the facts and circumstances of the present case, the learned Trial Court rightly held that at this stage, amendment of the plaint could not be allowed as by way of amendment, petitioner would be introducing a new plea.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

July 06, 2015
Gurpreet