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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.476 of 2015
Date of decision:21.01.2015

Karnail Singh ...Petitioner

Versus

The Punjab State through Collector, Gurdaspur and others ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Vipin Mahajan, Advocate,
for the petitioner.

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Rakesh Kumar Jain, J.

This petition is against the order dated 18.09.2014, dismissing the application filed by the petitioner for amendment of his plaint.

Counsel for the petitioner has submitted that the amendment is necessary for proper adjudication of the case as it pertains to the correction of clerical mistakes. The amendments, sought by the petitioner, are that in the second page, in 12th line of the head note of the plaint, the year for jamabandi allegedly wrongly typed as 1962-63 instead of 1967-68 and in the first page of the head note of the plaint in the sixth line, the area of killa no.21 allegedly wrongly typed as 01 kanal 11 marlas instead of 7 kanal 9 marlas. Similarly, the total area of the suit land allegedly wrongly typed as 16 kanal 06 marlas instead of 16 kanal 14 marlas in the fourth line of the head note of the plaint. Ultimately, the petitioner wanted to amend the head note of the plaint as under:-

"Suit for declaration to the effect that the plaintiffs are

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owners in possession of the land in equal share measuring 16 kanal 14 marlas, comprised in Khewat No.169, Khatauni No.233, Rect. No.3, Killa No.20(0-13), 21(7-9), 22(3-3), Rect. No.5, Killa NO.1/1(4-9), 2/1(1-2), as entered in the jamabandi for the year 1992-93, situated in the revenue estate of village Dalla Goria, H.B. No.76, Tehsil and District Gurdaspur AND the act of the defendants No.1 and 2 in active connivance with defendant No.3 by changing and altering the entries of ownership regarding the land in suit in the ownership column in the name of araji maturka in the jamabandi for the year 1967-68 to onwards and changing the entries of Khasra-girdawries regarding the land in suit from Kharif, 1997 to onwards in the name of defendant No.3 Tarlok Singh, are illegal, null and void, biased, motivated, cryptic and punitive in nature, without any basis, against the principles of natural justice and are liable to be set aside and suit for permanent injunction restraining the defendant No.2 from transferring the land in suit in any manner by way of allotment or whatsoever in favour of defendant No.3".

I have heard learned counsel or the petitioner and examined the available record.

The trial Court has dismissed the application, *inter alia,* on the

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grounds that the application has been filed at the stage of rebuttal evidence. Earlier an application was filed by the petitioner under Section 151 of the Code of Civil Procedure, 1908 (here-in-after referred to as the "CPC") for tendering jamabandi for the year 1962-63 which was dismissed on 22.02.2014 and other application filed under Order 6 Rule 17 of the CPC was allowed on 04.02.2014 regarding area of killa no.21, rect. no.3 in which the plaintiffs were allowed to correct the area of killa no.21 of rect no.3 in place of 1 kanal 11 marlas but despite that the petitioner has now moved the application for amendment. It is also observed that the petitioner has nowhere relied upon the jamabandi for the year 1962-63 and after the application is dismissed he wanted to add in the plaint that it was jamabandi for the year 1967-68 and not 1962-63, therefore, the trial Court has observed that the plaintiffs themselves do not know about the document to be relied upon. It is also observed that both the parties have already led their entire evidence on the basis of pleadings and at this stage, the amendment cannot be allowed.

I am fully in agreement with the reasoning adopted by the learned trial Court and have found that there is no error in the exercise of its jurisdiction in dealing with the application filed by the plaintiff-petitioner.

Resultantly, the present revision petition is hereby dismissed being denuded of any merit.

January 21, 2015 Rakesh Kumar Jain
vinod* **Judge**