

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

C.R No. 6085 of 2015

Date of decision : 16.09.2015

Harbans Singh

..Petitioners

versus

Baldev Singh

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.S. Chauhan, Advocate
for the petitioner

RITU BAHRI , J. (Oral)

This revision petition is against order dated 06.08.2015 (P-12) passed by the learned Addl. Civil Judge (Sr. Divn.) Samrala, vide which the application under Order 6 Rule 17 CPC has been allowed.

Learned counsel *inter alia* contends that the issues in the present case were framed on 10.12.2013 and the petitioner-plaintiff led the entire evidence, which was closed vide order dated 27.04.2015 and the evidence of the respondent have been started. After the commencement of the trial, the amendment has been wrongly allowed by the Court below, as the amendment was not permissible, as per the law laid down by Hon'ble the Supreme Court. Further the

learned trial Court also failed to appreciate that the amendment sought by the respondent was beyond the scope of the Order 6 Rule 17 CPC as there was no counter claim by the respondent and thus, the plea set up by the respondent by making application under Order 6 Rule 17 CPC to the effect that the order dated 08.09.2009 passed by the Asstt. Collector 1st Grade with regard to the partition of the agriculture land, is illegal and void and the plea raised in the written statement was not permissible, as the said order has no bearing in the said case, as the said order was passed regarding partition of the land and the appeal and the revision filed by the respondent was dismissed.

Learned counsel for the petitioner has further informed the Court that the revision petition filed against order dated 30.10.2008 is pending before the Financial Commissioner (Appeal), Chandigarh. Copy of order dated 09.05.2012 is Annexure P-3.

This petition at this stage is being disposed of with the observation that the final decision on the revision petition (P-3) filed by the respondent will not have any bearing in the suit filed by the petitioner.

(RITU BAHRI)
JUDGE

16.09.2015
G Arora