

In the High Court of Punjab and Haryana at Chandigarh

CR No. 6403 of 2014
Date of decision: 18.05.2015

Ram Chander and others

.....Petitioners

Versus

Siri Ram and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr.H.P.S. Ghuman, Advocate
for the petitioners.
Mr.Deepak Aggarwal, Advocate
for respondents No. 1 & 5
None for respondents No. 2 to 4
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SABINA, J

Petitioners have filed this petition challenging the order dated 23.8.2014 (Annexure P1) whereby the application moved by the petitioners under Order 6 Rule 17 of the Code of Civil Procedure, 1908 ('CPC' for short) for permission to amend the plaint, was dismissed.

Learned counsel for the petitioners has submitted that due to typographical error, plaintiffs had claimed themselves to be the owners of the premises in question and they wanted to delete the words "the owners and" from the head note of the plaint as well as the prayer clause. Petitioners will not lead any evidence if they are permitted to amend the plaint.

Learned counsel for respondents No. 1 and 5 has

opposed the petition.

None has appeared on behalf of respondents No. 2 to 4.

Petitioners have filed the suit for declaration to the effect that they along with defendants-respondents No. 1 and 2 were owners and in possession to the extent of 1/5th share each out of the estate left by Jai Karan i.e. suit property. When the case was listed for rebuttal evidence, if any and arguments, plaintiffs-petitioners moved an application that they wanted to delete words "the owners and" from the head note as well as the prayer clause of the plaint. Thus, by way of the amendment, petitioners want to give up the claim with regard to their plea of ownership of the property in dispute. Learned trial Court fell in error while disallowing the application as the plaintiffs -petitioners could give up part of their claim.

Accordingly, this petition is allowed. Impugned Order dated 23.8.2012 (Annexure P1) is set aside. Consequently, application moved by the petitioners under Order 6 Rule 17 CPC for amendment of the plaint is allowed. Petitioners have undertaken that they will not lead any evidence qua amendment sought by them.

**(SABINA)
JUDGE**

May 18,2015
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