

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 6982 of 2012
Date of Decision: 21.4.2015.**

Mehar Singh and others

.....Petitioners

Versus

Ved Parkash and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Suryakant Gautam, Advocate
for the petitioners.

Mr. Ajay Ghangas, Advocate
for respondents No. 2 to 5 and 8.

Mr. Balvinder Singh Brar, Advocate
for respondents No. 10 to 13 and 16 to 22.

None for respondents No. 6, 7, 14 and 15.

SABINA, J.

Petitioners have filed this petition under Article 227 of the Constitution of India challenging the order dated 23.8.2012 (Annexure P-3) whereby application moved by the the petitioners for permission to amend the plaint, was dismissed by the First Appellate Court.

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

Petitioners had filed suit for declaration and permanent injunction on the basis of 23 sale deeds executed in their favour by different vendors. Suit filed by the petitioners was dismissed by the Trial Court. In appeal, petitioners moved an application for

permission to amend the plaint and by way of amendment, petitioners wanted to claim the relief of rectification of the sale deeds. The learned First Appellate Court rightly held that in case the amendment sought by the petitioners was allowed, it would alter the structure of the suit. It has transpired during the course of arguments that while dismissing the suit filed by the petitioners, the Trial Court had observed that in fact, the petitioners should have filed a suit for rectification of the sale deeds. Hence, petitioners could not be permitted to fill up the lacuna in their case. In fact, the case of the petitioners was that declaration sought by them, be granted to them on the basis of sale deeds executed in their favour, whereas, now by way of the amendment of the plaint, they want to seek the relief of rectification of the sale deeds. A perusal of the application under Order 6 Rule 17 of the Code of Civil Procedure, 1908 (Annexure P-1), filed by the petitioners, reveals that they have failed to specify as to what rectification in the sale deeds was being sought by them. Rather, the application moved by the petitioner is vague. In the facts and circumstances of the present case, the learned First Appellate Court had, thus, rightly dismissed the application moved by the petitioners seeking amendment of the plaint.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

April 21, 2015
Gurpreet