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

**CR No.885 of 2013**

**Date of decision: May 05, 2015**

Gurdev Singh and others

.....Petitioners

Versus

Gurnam Singh and others

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE SABINA**

**Present:** Mr. Gaurav Rana, Advocate  
for the petitioners.

Mr. Manjit Markan, Advocate  
for the respondent Nos.1 and 2.

**SABINA, J**

Petitioner has filed this petition challenging the order dated 14.01.2013, whereby application moved by the plaintiffs for permission to amend the plaint, was allowed.

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

Order 6 Rule 17 of Code of Civil Procedure, 1908 ('CPC' for short) reads as under:

***“17. Amendment of pleadings - The Court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties:***

***Provided that no application for amendment shall be allowed after the trial has commenced, unless the Court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of trial.”***

Plaintiffs-respondent Nos.1 and 2 have filed suit for

declaration to the effect that they alongwith performa-defendants were joint owners-in-possession of the suit land. During the pendency of the suit, plaintiffs moved an application under Order 6 Rule 17 CPC for permission to amend the plaint. The case of the plaintiffs was that the possession of the suit land had been taken by the defendants after the harvest of Sauni 2012 crop.

Since in the present case, the amendment of the plaint was sought by the plaintiffs on account of an event, which had taken place during the pendency of the suit, the learned trial Court rightly allowed the plaintiffs to amend their plaint by seeking relief of possession and mesne profits.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)  
JUDGE**

**May 05, 2015**  
*m.singh*