

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

**C.R. No. 795 of 2014 (O&M)
Date of decision:- 26.11.2015**

Suresh Kumar ...Petitioner
Versus

Ram Partap @ Partap & others ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. S.K. Yadav, Advocate,
for the petitioner.

Mr. Mukesh Sharma, Advocate
for respondent Nos. 2 and 4.

RITU BAHRI J.

Petitioner has filed the instant revision petition under Article 227 of the Constitution of India assailing order dated 17.01.2014 passed by the learned Civil Judge (Jr. Divn.), Mahendergarh whereby an application for amendment of the plaint under Order 6 Rule 17 CPC has been dismissed.

The applicant/petitioner has challenged the sale deed dated 27.09.2006 of the suit property in the present suit. It was stated that Mahipal was unmarried and issue less and used to live with defendant No. 2 but due to some mistake in the pedigree table of the plaint, defendant No. 2 has been mentioned as unmarried and

issueless. The applicant came to know about this mistake at the stage of the argument and filed the impugned application. The application was contested by the defendant-respondent and alleged that the applicant has deliberately shown defendant No 2 as unmarried, issueless in his plaint and on the same facts, he has already led his evidence. A complaint has already been filed by the respondent before the Judicial Magistrate Ist Class, Mohindergarh against the petitioner/plaintiff for giving false evidence.

The application of the petitioner has been dismissed on the ground that P.W.1 to P.W.5 have deposed to the same tune that defendant No. 2 was uncle of plaintiff and he is unmarried and issueless and further the plaintiff has led his entire evidence to prove the same.

Learned counsel for the petitioner submits that the petitioner will lead no fresh evidence as he has already concluded his evidence. This fact has also not disputed by learned counsel for respondent Nos. 2 to 4.

The amendment sought by the petitioner is a necessary amendment and is important for just decision of the suit. It will not change the nature of the suit.

In view of the above, order dated 17.01.2014 passed by

C.R. No. 795 of 2014

the learned Civil Judge (Jr. Divn.), Mahendergarh is hereby set aside and the instant revision petition is ***allowed*** and the application for amendment of the plaint is allowed. However, it is made clear that the above said observation will have no affect on the plaint, which has been filed by the defendants against the plaintiff.

November 26, 2015
G Arora

(***RITU BAHRI***)
JUDGE