

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

CR No. 1943 of 2016

Date of decision :16.03.2016

Inderjit Singh and others

..... Petitioners

Versus

Ranjit Singh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.R.S.Bajaj, Advocate
for the petitioners.

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the order dated 06.10.2015 passed by the learned Civil Judge (Jr. Division), Jalandhar, vide which the application filed by the plaintiff-respondent no.1 for amendment of the plaint has been allowed.

2. Learned counsel for the petitioners contended that earlier the plaintiff has filed a simple suit for permanent injunction. By way of the present amendment, he has sought the relief of declaration to challenge various sale deeds executed by defendant no.1 and defendant no.2. He contended that the entire nature of the suit property has been changed with this amendment. Such an amendment which changes the

entire nature of the suit is not permissible under law. Thus, he contended that the impugned order is illegal.

3. I have duly considered the aforesaid contentions.

4. Initially, the plaintiff-respondent no.1 has filed the suit for permanent injunction restraining the defendants/petitioners from interfering into the peaceful possession of the plaintiff over the suit property. In the application filed for the amendment of the plaint, the plaintiff has pleaded that he came to know about the sale deeds from the written statement filed by the defendants. The plaintiff has also sought the addition of Chamanjit Singh as defendant no.6 in whose favour the sale deed has been executed by defendant no.2.

5. This fact could not be disputed that plaintiff can file the separate suit for declaration to challenge all the sale deeds mentioned in the application. It is also not disputed that the amendment sought by the respondent-plaintiff was not barred by limitation. As per the provisions of Order 6 Rule 17 Code of Civil Procedure, 1908, the Court may at any stage of proceedings allow the amendment to the pleadings which may be necessary for the purpose of determining the real questions in controversy between the parties. The plaintiff has filed the original suit for seeking injunction restraining the defendants from interfering in his possession over the suit property. But, it was revealed in the written statement that the defendant no.1 has executed the sale deeds in favour of defendants no.

3, 4 and 5 and defendant no.2 has executed the sale deed in favour of defendant no.6 with respect to the property in dispute. If, the plaintiff is compelled to assail the validity of the aforesaid sale deeds by filing the separate suit, it will unnecessary cause multiplicity of litigation.

6. Thus, I do not find any illegality in the impugned order calling for any interference by this Court while exercising the supervisory powers under Article 227 of the Constitution of India.

7. Resultantly, the present revision petition having, no merits, is hereby dismissed.

16.03.2016

S.khan

**(DARSHAN SINGH)
JUDGE**