

**In the High Court of Punjab and Haryana, at Chandigarh**

**Civil Revision No. 427 of 2016**

**Date of Decision: 22.01.2016**

Paramjit Singh

... Petitioner(s)

Versus

Ranjit Singh and Others

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Shekher Dhawan.**

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Maninder Singh Bajwa, Advocate  
for the petitioner(s).

**Shekher Dhawan, J.**

Present petition is challenge to the order dated 4.11.2015, whereby learned Additional Civil Judge (Senior Division), Moga dismissed application under Order 6 Rule 17 CPC read with Section 151 CPC for amendment of the plaint.

Relevant facts of the case for decision of the present petition that application under Order 6 Rule 17 CPC read with Section 151 CPC was filed seeking amendment of the plaint taking the plea that the plaintiffs have been dispossessed during pendency of the suit. The defendants contested the application taking the plea that application has been filed just to prolong the matter because earlier, the applicants

failed to lead any evidence. The applicants were not in possession of the suit land since 1988-89 and they were not dispossessed from the suit property during pendency of the suit and as such application be dismissed. The Court below, after considering these facts, dismissed the application vide order dated 4.11.2015.

Learned counsel for the petitioner submitted that the Court below has not considered the real controversy because the plaintiffs are in possession of the suit property and during pendency of the suit, they have been dispossessed by defendants No.2 to 4.

Having considered the submissions made by learned counsel for the petitioner and having gone through the facts of the case, this Court is of the considered view that by moving an application for amendment of the plaint, applicant/plaintiff wanted to change the nature of litigation altogether. The applicant wanted to take the plea that the plaintiffs have been dispossessed from the suit land during pendency of the suit. But there is absolutely no material or document on the file to show that infact the plaintiffs were dispossessed during pendency of the suit. Initially, the suit was filed for seeking relief of declaration by challenging sale deeds executed by defendant No.1 in favour of defendant No.2 as well as subsequent sale deeds executed by defendant No.2 in favour of defendant No.4.

As per provisions of Order 6 Rule 17 CPC, such an amendment cannot be allowed so as to change the nature of litigation altogether. More so, if such an application was to be filed, the same should have been filed at the initial stage. However, in the present

case, the application was filed after settlement of the issues and at the time when plaintiffs had already availed two effective adjournments for leading evidence.

The Court below has rightly observed that even no date has been given when applicants were actually dispossessed. This was the most important fact to be disclosed in such an application for seeking amendment so as to claim the relief of possession and amendment on the basis thereof.

In view of above, there is absolutely no illegality in the order under challenge and the present petition stands dismissed, *in limine* ,being devoid of any merit.

**(Shekher Dhawan)**  
**Judge**

**January 22, 2016**  
"DK"