

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

Civil Revision No.4963 of 2016 (O&M)
Date of Decision: September 28th, 2016

Lal Chand

...Petitioner

Versus

Sarwan Ram @ Jassal & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Hitesh Kaplish, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

Petitioner-defendant is aggrieved of the impugned order, whereby the application moved by the respondent-plaintiffs under the provisions of Order 6 Rule 17 CPC for amendment of the plaint, has been allowed.

Mr.Hitesh Kaplish, learned counsel for the petitioner-defendant submits that the respondent-plaintiffs filed a civil suit challenging the sale deed No.8586 dated 2.9.2009 and sale deed dated 30.3.2010 being illegal, void and not binding on them being owner in possession of the property as per the compromise dated 22.8.2009 with consequential relief of permanent injunction. However, application under Order 6 Rule 17 CPC, at the stage when the suit is fixed for plaintiffs' evidence, has been moved to incorporate in the head-note of the plaint and as well as in the prayer clause that the sale deeds are not binding on the rights of the plaintiffs, who along with defendant Nos.1 and 3 are owner in possession of the same property/estate

of defendant No.2 as per the compromise dated 22.8.2009. It is that amendment which has been allowed to be incorporated. He submits that once there was challenge to the sale deeds, therefore, there was no need to plead “not binding”.

I have heard the learned counsel for the petitioner-defendant and appraised the paper book.

The amendment sought and allowed is most innocuous. No doubt, the sale deed is always to be considered as not binding unless and until pleadings are not made that they may face some problem at a later stage. In order to overcome such problem, amendment has been sought. Such amendment does not amount to altering the nature and character of the suit.

In my view, the order is perfect, legal and justified and the same cannot be said to be passed without jurisdiction. No case for interference is made out.

Revision petition stands dismissed.

September 28th, 2016
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No