

Civil Revision No.5213 of 2016

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In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No.5213 of 2016

Date of Decision: 17.8.2016

**Guru Granth Sahib Gurudwara Sh. Guru Teg Bahadur Sahib and
others**

---Petitioners

versus

Sh. Guru Granth Sahib, Gurudwara

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Ms. Amanpreet Kaur, Advocate
for the petitioners**

Rekha Mittal, J.

The present petition has been directed against order dated 14.7.2016 (Annexure P-1) whereby application filed by the respondent/plaintiff under Order 6 Rule 17 of the Code of Civil Procedure (in short "CPC") for amendment of the plaint in order to add khasra numbers, detailed in para 4 of the revision petition has been allowed.

Counsel for the petitioners has submitted that as the respondent/plaintiff filed the suit for declaration claiming exclusive ownership of land measuring 28 kanals 19 marlas on the basis of jamabandi for the year 2007-08 that also makes reference to the khasra numbers in question sought to be added by way of amendment, the application is liable to be dismissed being hit by proviso to Rule 17 CPC as the respondent/plaintiff has failed to satisfy one of the requirements that these khasra numbers could not be added in the original plaint despite exercise of due diligence.

I have heard counsel for the petitioners, perused the paper book particularly the order impugned.

It is none of the plea of the petitioners that suit of the respondent/plaintiff in regard to khasra numbers in question is barred by law of limitation in order to contend that if such an amendment is allowed it would result in a serious prejudice to the petitioners for which they can be compensated with costs. As has been argued by counsel for the petitioners, the khasra numbers in question are duly incorporated in the jamabandi for the year 2007-08 and the mere fact that while drafting the plaint some of the khasra numbers were not mentioned, cannot be taken as sufficient to deny

the respondent to seek necessary amendment for complete and effective adjudication of the matter in controversy. That being so, I do not find any error much less illegality in the impugned order as would call for intervention.

Dismissed.

(Rekha Mittal)
Judge

17.8.2016

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No