

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

Civil Revision No.6191 of 2016
Date of decision: September 20, 2016

Harcharan Kaur @ Kamal & another ...Petitioners

Versus

Mukhtiar Kaur ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sandeep Sharma, Advocate for the petitioners.

Rajan Gupta, J.

Present revision is directed against the order dated 24.8.2016, passed by the trial court whereby application U/O 6 Rule 17 CPC filed by the petitioners for amendment of plaint has been rejected.

Learned counsel for the petitioners has assailed the order. He submits that there are certain subsequent events which are necessary to be incorporated in the plaint. As per provisions of Order 6 Rule 17 CPC, application for amendment can be allowed at any stage.

I have heard learned counsel for the petitioners and given careful thought to the facts of the case.

It appears, petitioner/plaintiffs filed a suit for declaration claiming ownership and possession of House No.265, Street No.9, Kirpal Nagar, Ludhiana and that sale deed No.8418 dated 28.07.2008 is illegal, null and void. They also sought injunction to restrain the respondent/defendant from dispossessing them from the suit property. Suit was

instituted in the year 2008. It was contested by the respondent and she also filed a counter claim seeking vacant possession of the suit property. However, when the case was pending for evidence of plaintiffs, instant application was moved by the petitioners seeking amendment of plaint by incorporating the fact that defendant has committed offence punishable under sections 420, 467, 468, 471, 508, 120-B IPC. They approached the police but no action was taken. Petitioner No.2 also filed CRM-M-26627-2015 before this court, which was dismissed as withdrawn with liberty to avail remedy under section 156 (3) Cr.P.C. Trial court has rejected the prayer observing that amendment sought by the petitioners is not necessary and application has been filed just to delay the proceedings and a cost of Rs.2000/- was also imposed upon the petitioners. I find no legal infirmity with the order. Suit was filed on 8.11.2008 and issues were framed on 23.5.2013. Thereafter, petitioners failed to lead any evidence for three years and started delaying proceedings by filing certain applications. Moreover, the facts mentioned in the instant application are not necessary to be incorporated in the plaint. Thus, proviso to Order 6 Rule 17 CPC would not be attracted to the case. The revision petition is, thus, without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

September 20, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No