

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 7778 of 2013

Date of Decision: 09.02.2016

Baldev Singh

... Petitioner(s)

Versus

Kuldeep Singh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

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

Present: Mr. Mahesh Gupta, Advocate
for the petitioner.

Mr. P.S.Punia, Advocate
for respondents No.2 to 4.

Shekher Dhawan, J.

Present petition is challenge to the order dated 7.10.2013, whereby application under Order 6 Rule 17 CPC for amendment of plaint, filed by the plaintiff/petitioner, was dismissed.

Learned counsel for the petitioner submitted that petitioner had filed suit for permanent injunction against defendants Kuldeep Singh and Others with respect to suit property, as detailed in head note of the plaint. However, inadvertently, gram panchayat could not be

arrayed as a party and the complete particulars of the suit property could not be given. The application was filed so as to give the complete details of the suit land which bears khewat No. 78, khatouni No. 152, rectangle No. 53 & khasra No. 15(5-7) and also to array Gram Panchayat, Village Manna Singh Wala as defendant No.6 and Baljit Kaur, Block Development & Panchayat Officer, Amloh as defendant No.7.

Learned counsel for the respondents submitted that the application is liable to be dismissed because separate litigations are going on between the parties and as petitioner remained unsuccessful to seek relief of injunction, another suit was filed and now under the garb of application for amendment of plaint, petitioner wants to amend the plaint, which is not permissible.,

Having considered the submissions made by learned counsel for the parties, this Court is of the considered view that law on the point is settled that *lis* between the parties should be finally decided at the trial stage. There is no dispute on the fact that the case is still at the initial stage before the Court of first instance and by way of proposed amendment, applicant wants to give complete details of the property and to array Gram Panchayat, Village Manna Singh Wala and Baljit Kaur, Block Development & Panchayat Officer, Amloh as defendants. As regard to plea taken by learned counsel for the respondent that petitioner was aware of these facts at the time of filing of the main suit and the complete description should have been given at the time of filing of the suit itself, this Court is of the view that the Court below has wrongly dismissed the application, whereas it should have

been accepted.

Accordingly, present petition is accepted because proposed amendment is essential for the just decision of the case and the case is still at the initial stage. However, keeping in view the attending circumstances that other litigation being pending between the parties wherein Gram Panchayat has also been arrayed as party, the application for amendment is accepted, subject to payment of ₹ 10,000/- as costs to be paid by the petitioner.

(Shekher Dhawan)
Judge

February 9, 2016

"DK"