

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

Civil Revision No.1234 of 2017
Date of decision: March 01, 2017

Darshan Singh ...Petitioner

Versus

Lakhvir Singh ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Tarunveer Vashist, Advocate for the petitioner.

Rajan Gupta, J. (oral)

Present revision petition is directed against the order dated 17.12.2016, passed by the trial court, whereby application filed by the plaintiff/respondent under Order 6 Rule 17 CPC for amendment of plaint, has been allowed.

Learned counsel for the petitioner has assailed the order. According to him, trial court has erroneously allowed the application filed by the plaintiff. By way of proposed amendment, plaintiff/respondent wants to change nature of the suit. Thus, impugned order deserves to be set-aside.

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

It appears that a suit for permanent injunction was filed by plaintiffs/respondent against petitioner/defendant for restraining the defendant from interfering into his possession over the suit land. Suit was instituted on 22.2.2014. During pendency of suit, plaintiff filed

application for amendment of plaint on the ground that after passing of ad-interim-injunction on 12.4.2014, defendant along with some bad elements took forcible possession of the land in dispute on 23.6.2014 and cultivated the paddy crop. Application was allowed by the trial court observing that since plaintiff had sought to make amendment of facts which subsequently occurred during pendency of the suit, nature of suit was not going to be changed if proposed amendment is allowed and no prejudice was going to be caused to the other party.

I find no infirmity with the order passed. It is evident that in view of changed circumstances, proposed amendment in the plaint was necessary. Thus, the trial court has rightly allowed the application. The contention of counsel for petitioner appears to be without any merit.

Dismissed.

(RAJAN GUPTA)
JUDGE

March 01, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No