

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

Civil Revision No.1940 of 2014 (O&M)

Date of decision: May 05, 2017

Jeeta Ram

...Petitioner

Versus

Rupinder Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Kuldeep V. Singh Ahluwalia, Advocate for the petitioner.
Ms. Alisha Soni, Advocate for
Mr. R.V.S. Chugh, Advocate for the respondents.

Rajan Gupta, J.

Present revision petition is directed against the order dated 31.01.2014, passed by the trial court, whereby application moved by the plaintiff for amendment of plaint has been rejected.

On behalf of plaintiff/petitioner it has been urged before the court that the trial court gravely erred in dismissing the application for amendment. Plaintiff merely wanted to change the description of the suit property given in the plaint. Order 6 Rule 17 CPC has to be liberally interpreted. Amendment, thus, ought to be allowed. Prayer has been opposed by counsel appearing for the respondents.

It appears, a suit for permanent injunction was filed by the plaintiff to restrain the defendants from taking forcible possession of the suit property. He stated that he was owner thereof in view of sale deed bearing *Wasika* No.1103 dated 22.7.2010. During pendency of the suit, he

moved application under Order 39 Rules 1 & 2 CPC. This application was allowed and interim injunction was granted. Issues were framed on 23.5.2012. Thereafter, plaintiff availed six opportunities but failed to lead evidence. Defendants took stand that during the pendency of the suit, plaintiff had taken possession of property of defendant No.1 as well. It is due to this reason that plaintiff wanted to amend the plaint to change the description of property. Trial court, thus, rejected the plea being conscious of the plea taken by the defendants as well. I am of the considered view that there is no ground to interfere in revisional jurisdiction. Though this court does not intend to express any opinion on merit, it needs to observe that in case the plaintiff is taking advantage of his own wrong, he cannot be allowed to amend the plaint. Description of the property is known to the plaintiff from the very initiation of the proceedings. In case amendment is being sought on the ground of some subsequent development, plea ought to be rejected. The revision petition is, thus, without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

May 05, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No