

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.226 of 2016 (O&M)
Date of Order:06.12.2017

Charan Kaur and others

..Petitioners

Versus

Mehar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

Mr. Dhirinder Chopra, Advocate,
for respondents no.2 to 5

ANIL KSHETARPAL, J.

Defendants-petitioners are in revision petition against order allowing amendment of the plaint.

Learned counsel for the petitioners has vehemently argued that nature of the suit is being changed as initially it was a suit for injunction and now by way of amendment, the prayer clause is being amended and the suit is now being converted into a suit for declaration.

I have considered the submissions of learned counsel for the petitioners.

Plaintiffs had filed a suit for permanent injunction claiming that they are owners in possession to the extent of 5/16th share and the remaining suit land is in possession and they have perfected their title by way of adverse possession.

In the considered opinion of this Court, in such type of suit declaration is inbuilt. Hence there is no scope for interference in the

impugned order passed.

Learned counsel for the petitioners has further submitted that defendants-petitioners have already filed partition proceedings and the amendment in the plaint has sought for by the plaintiffs only to stall the partition proceedings.

In the considered opinion of this Court, such argument cannot be accepted because the partition proceedings has not been stayed by the revenue authorities as yet.

As per the revenue record, the parties are co-sharers. The suit is pending for the last more than 6 years.

The trial Court is requested to expedite the disposal of the suit and preferably decide the same finally within a period of one year from today.

The revision petition is dismissed.

December 06, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No