

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No.2248 of 2014

Date of Decision: 20.07.2017

Manjit Kaur and othersPetitioners

Versus

Deep Singh and others ... Respondents

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Ms. Rakhi Sharma, Advocate
for the petitioners.

Ms. Jasneet Kaur, Advocate for
Mr. L.M. Gulati, Advocate
for respondents No.4, 10, 11 and 12.

RAJ MOHAN SINGH, J.(ORAL)

[1]. Petitioners have assailed the order dated 11.03.2014 passed by Civil Judge (Junior Division), Amritsar, whereby application of the plaintiffs/petitioners under Order 6 Rule 17 and Order 1 Rule 10 read with Section 151 CPC for amendment of the plaint by adding the name of defendant No.13 was rejected.

[2]. Plaintiffs/petitioners sought to add the name of Surinderpal Singh as defendant No.13 in the suit on the ground that various sale deeds were challenged by the plaintiffs including the sale deed dated 03.09.2007 executed by defendant No.5 in favour of Avtar Singh and Surinderpal Singh. Inadvertently, the name of Surinderpal Singh was left out from the array of defendants, whereas Avtar Singh was duly

impleaded as defendant No.12.

[3]. Though suit was filed on 01.10.2008 and now the same is pending for arguments, but the petitioners only seeks indulgence of the Court for arraying the aforesaid Surinderpal Singh as defendant No.13 without leading any evidence on their part. The addition of the aforesaid Surinderpal Singh as defendant No.13 will not change the nature of the suit in any manner, rather it would facilitate the Court to decide the controversy in an effective manner and would definitely avoid the multiplicity of litigation in view of the fact that the sale deed dated 03.09.2007 was executed by defendant No.5 in favour of Avtar Singh and aforesaid Surinderpal Singh. In order to decide the controversy for all times to come, it would be just and appropriate to allow the petitioners to add Surinderpal Singh as defendant No.13 without leading any evidence on their behalf and without creating any hurdle for the disposal of the case on any technicality.

[4]. Having considered the case, I am of the view that the addition of Surinderpal Singh as defendant No.13 without allowing them to lead any evidence would definitely go in a long way to terminate any future litigation on the ground of his non-association in the suit proceedings. Even otherwise, addition and amendment would not change the nature of the suit in any

manner. The sale deed dated 03.09.2007 is also one of the sale deeds to which challenge has been made in the suit.

[5]. In view of above, this revision petition is allowed to the extent as mentioned above subject to payment of cost of Rs.10,000/- to be paid to respondents No.4, 10, 11 and 12 who are the contesting respondents as observed by this Court in the orders dated 24.03.2015 and 09.09.2016. Payment of cost shall be the condition precedent for granting indulgence by the trial Court in the aforesaid context.

[6]. Disposed of.

20.07.2017
prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No