

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT  
CHANDIGARH**

**CR No.2749 of 2016  
Date of Decision:8.9.2017**

Tarsem Lal and another

...Petitioners

**Versus**

Prem Kumar and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK**

**Present:** Mr.R.M.Sharma, Advocate for the petitioners.  
Mr.Yogesh Puri, Advocate for  
Mr.K.R.Dhawan, Advocate for respondent No.1.

**RAMESHWAR SINGH MALIK, J. (Oral)**

Feeling aggrieved against the order dated 17.2.2016 (Annexure P-5) passed by the learned trial court, whereby application under Order 6 Rule 17 of the Code of Civil Procedure ('CPC' for short), moved by the plaintiff, seeking formal amendment in his plaint, was allowed, defendants have approached this Court by way of present civil revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Notice of motion was issued and passing of final order by the learned trial court was stayed.

Heard learned counsel for the parties.

A bare perusal of the impugned order passed by the learned trial court particularly para 5 thereof will leave no room for doubt that the

factum regarding memorandum of partition dated 6.1.1993 had already been placed on record by the plaintiff, as noticed by the learned trial court in para 5 of the impugned order. Once the memorandum of partition was already on the judicial file, neither the defendants were going to be taken by surprise nor any prejudice was going to be caused to them by permitting formal amendment in the plaint. Having said that, this Court feels no hesitation to conclude that the learned trial court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

The learned trial court was well aware about the resultant effect of the amendment in the plaint. This was the reason that the learned trial Court rightly recorded that nature of the suit was not going to be changed and the defendants can be compensated by payment of reasonable amount of costs. Accordingly, while rightly allowing the application for amendment in the plaint, the defendants were compensated by payment of reasonable amount of costs by passing the impugned order. Under these undisputed facts and circumstances of the case, it can be safely concluded that the learned trial court committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioners could not point out any patent illegality or perversity in the impugned order, which may warrant interference, at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. The impugned order is supported by sound reasons,

because of which no fault can be found with it and the same deserves to be upheld, for this reason as well.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the instant civil revision petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the above-said observations made, the present civil revision petition stands dismissed, however, with no order as to costs.

8.9.2017  
mks

(RAMESHWAR SINGH MALIK)  
JUDGE

Whether Speaking/reasoned : Yes/No  
Whether Reportable : Yes/No