

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

Civil Revision No.502-2013 (O&M)
Date of decision: March 07, 2017

Dharam Pal	Versus	...Petitioner
State of Haryana & others		...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Rajesh Khandelwal, Advocate for the petitioner.
Mr. Rohit Arya, AAG, Haryana.

Rajan Gupta, J.

Present revision is directed against the order dated 16.01.2013, passed by Civil Judge (Junior Division), Hisar, whereby application under Order 6 Rule 17 CPC filed by the petitioner/plaintiffs for amendment of plaint has been rejected.

Learned counsel for the petitioner has assailed the order. He submits that there are certain subsequent events which are necessary to be incorporated in the plaint. As per provisions of Order 6 Rule 17 CPC, application for amendment can be allowed at any stage.

Plea has been opposed by learned State counsel on the ground that application filed by the plaintiffs was not maintainable and same was rightly dismissed by the trial court as the documents sought to be proved by the plaintiffs are already on record.

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

It appears, petitioner along with proforma respondents filed a

suit for declaration and permanent injunction on the ground that plaintiffs are owner in possession of the land measuring 37 Kanals 16 Marlas, situated in village Bithmara, Tehsil and District Hisar. In the suit plaintiffs challenged the revenue records of the year 1947-48 as well as mutation No.3909, sanctioned on the basis of judgment and decree dated 30.6.1983, passed by the civil court. During pendency of suit, petitioner/ plaintiffs filed instant application under Order 6 Rule 17 CPC for amending the plaint. Trial court rejected the prayer observing that amendment sought by the petitioner is not necessary, as the document Ex.P-1 is a public document, which is already on record. I find no legal infirmity with the order. A perusal of impugned order shows that plaintiffs had placed on record certain Jamabandis for the years 1941-42 to 1984-85, but did not produce Jamabandi for the years 1947-48 and mutation No.2385, wherein they were shown to be owner in possession of 1/4th share of 21 Bighas 11 Biswas of land. At this stage, plaintiffs cannot be permitted to challenge Jamabandi for the year 1947-48 and mutation No.2385, as earlier plaintiffs had not filed these documents intentionally. Moreover, Subhash Patwari while appearing in the witness-box as PW-1, has duly proved these documents. Thus, proviso to Order 6 Rule 17 CPC would be attracted to the case. The revision petition is, thus, without any merit and is hereby dismissed.

March 07, 2017
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No