

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

CR No.5157 of 2017
Date of decision :04.08.2017

Rattan Singh

...Petitioner

Versus

Paramjit Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rakesh Gupta, Advocate
for the petitioner.

ANIL KSHETARPAL, J.

Defendant has filed this revision petition under Article 227 of the Constitution of India challenging the order dated 16.05.2017 (Annexure P-1) allowing application of the plaintiff under Order 6 Rule 17 CPC, subject to payment of cost of Rs.1,000/-.

Plaintiff had filed a suit for permanent injunction with respect to land measuring 424 kanals 18 marlas. Plaintiff had pleaded that part of the land had been purchased by him through three sale deeds as mentioned in Para 2 of the plaint.

When the suit was at the initial stage and even issues had not been framed, plaintiff has filed an application seeking amendment of the plaint asserting that defendant had during pendency of the suit purchased 1 kanal 6 marlas of land. Plaintiff also wanted to add that he had purchased further share in the land.

After appreciating the facts available in the file and after considering that the trial is yet to commence, the application for permission to amend the plaint was allowed.

This order passed by the Court allowing the amendment has been challenged in the present revision petition.

Learned counsel for the petitioner has argued that the application for temporary injunction filed by the plaintiff has been dismissed. It is, thereafter, that the plaintiff has filed this application for amendment. Learned counsel for the petitioner has further submitted that plaintiff had pleaded three sale deeds and now further wants to plead more sale deeds in his favour. Therefore, the entire basis of suit has been changed.

I have carefully considered the arguments of learned counsel for the petitioner.

However, I am unable to agree. Merely because the application for temporary injunction has been dismissed, that itself would not debar the plaintiff from moving an application for amendment of the plaint. It is not in dispute that the suit is at the preliminary stage and even issues have not been framed.

Learned counsel for the petitioner has further submitted that plaintiff had filed a suit based upon his right in three sale deeds mentioned in the plaint. However, now the plaintiff wants to plead more sale deeds in its favour. Sale deed is a registered document. Plaintiff had claimed himself to be co-owner in the property. The position would remain the same even if the aforesaid sale deeds which are sought to be added are allowed to be pleaded by amendment in the plaint.

For the reasons recorded above, I do not find any reason to interfere with the order dated 16.05.2017 passed by the learned Civil Judge,

Accordingly, the revision petition is dismissed.

04-08-2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/reasoned : Yes
Whether Reportable : No