

In the High Court of Punjab and Haryana at Chandigarh

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CR No. 5603 of 2016

Date of decision: 23.10.2017

BIMLA

.....petitioner

Versus

RAJNI AND ORS

.....respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Sandeep Verma, Advocate
for the petitioner.

Mr. Wazir Singh, Advocate
for the respondents.

RAJ MOHAN SINGH, J.(oral)

Challenge is to the order dated 9.8.2016, passed by Civil Judge (Jr.Divn.) Panipat, whereby application under Order 6 Rule 17 was allowed.

Initially suit for declaration, possession and permanent injunction was filed by the plaintiff. By means of proposed amendment, relief of possession was sought to be converted from possession to possession by way of partition.

In the event of earlier prayer, the plaintiff would have claimed joint possession by seeking declaration to be a co-sharer. With the proposed amendment, controversy would be settled once for all as the nature of the suit is not going to be changed in any manner. Even otherwise, the amendment allowed by the trial Court is in consonance with the original

prayer made by the plaintiff. No prejudice is going to be caused to the defendant/ petitioner. Hence, the impugned order does not suffer from any error of jurisdiction.

This revision petition is accordingly dismissed.

October 23, 2017
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking **Yes/No**

Whether reportable ***Yes/No***