

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

**C.R. No.5252 of 2017(O&M)
Date of Decision:09.08.2017**

Jasbir Singh and another

...Petitioners

Versus

Sumitar Kaur alias Satvinder Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajiv Sidhu, Advocate
for the petitioners.

ANIL KSHETARPAL, J. (ORAL)

Defendants have filed the present revision petition against the order dated 17.07.2017, permitting the plaintiffs to amend the plaint.

The learned trial Court has recorded that the suit is at the initial stage and the trial has not commenced.

Learned counsel for the petitioners has submitted that the nature of the suit would stand changed because of the amendment. He has further submitted that initially the suit was filed on the basis of sale deed, which is now being disputed. He has further submitted that the plaintiffs have taken a new plea by way of amendment.

I have carefully considered the submission of the learned counsel and with his able assistance, gone through the paper book.

Plaintiffs had filed a suit for permanent injunction, claiming that they are in possession of certain area of land and wanted the Court to pass a decree for permanent injunction, restraining the defendants from

interfering in any manner.

A reading of the application would show that the plaintiffs only want to change certain Kila numbers mentioned in the plaint. Such amendment would not change the nature of the suit. The suit would continue to be for permanent injunction only.

Second argument of the learned counsel for the petitioners is that initially the suit was filed on the basis of sale deed, whereas now validity of the sale deed is being disputed.

Be that as it may, the trial is at the initial stage. No contradictory plea is being taken. Counsel for the petitioners has not been able to show that the amendment sought for by the plaintiffs is either resulting into withdrawal of an admission or any material contradiction is being brought in by way of amendment.

The next submission of the learned counsel is that new plea is being sought to be introduced.

I have considered the aforesaid submission. The application for amendment is moved with the purpose to amend the pleadings. Once the trial is at the initial stage, the Code of Civil Procedure, 1908 gives ample power to the Court to allow the amendments.

Finding no reason to interfere, the revision petition is dismissed.

(ANIL KSHETARPAL)
JUDGE

09.08.2017

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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No