

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

**CR No.616 of 2017 (O&M).
Date of Decision: 02.02.2017.**

Hardeep Kaur

....Petitioner.

VERSUS

Harchand Singh and others

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Vikas Mehsempuri, Advocate for the petitioner.

SNEH PRASHAR, J.

CM-1900-CII-2017

Allowed, as prayed for.

CR-616-2017 (O&M)

The petitioner is aggrieved of the order dated 09.11.2016 passed by learned Civil Judge (Junior Division), Ludhiana allowing the application filed by respondent No.1-plaintiff under Order VI Rule 17 of the Code of Civil Procedure (for short, "CPC") for amendment in pleading.

The submissions made by Mr. Vikas Mehsempuri, learned counsel for the petitioner have been considered.

The amendment in the pleading sought by respondent No.1-plaintiff was that by oversight relief of declaration of ownership rights qua residential house could not be sought. The petitioner resisted the application. Learned counsel for the petitioner submits that respondent

No.1-plaintiff had not mentioned necessary particulars of the amendment he intended to make in his pleadings in the application filed by him under Order VI Rule 17 CPC. He also did not mention any reason for not having raised the claim qua the residential house earlier.

The argument of learned counsel for the petitioner has no force as in his application, the plaintiff-respondent No.1 had mentioned that by way of amendment he intends to seek declaration of ownership in respect of the residential house and has to accordingly make amendment in the relief claimed by him. The only amendment sought to be made was to add the house among the properties in respect of which the plaintiff-respondent No.1 had sought declaration of his ownership on the basis of registered will executed in his favour. Neither any new relief was claimed nor the proposed amendment changed the nature of the suit. The case was at the initial stage and the trial had not commenced.

In the above premise, finding no illegality or perversity in the order of learned trial Court allowing the application for amendment in the pleadings by respondent No.1-plaintiff and there being no ground for intervention by this Court, the petition is dismissed.

(SNEH PRASHAR)
JUDGE

02.02.2017.
jitender sharma

Whether speaking/ reasoned : **Yes/ No**

Whether Reportable : **Yes/ No**