

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

Civil Revision No.8192-2016 (O&M)

Date of decision: January 19, 2017

Malkiat Singh

...Petitioner

Versus

Gram Panchayat Village Bains & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

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

Rajan Gupta, J.

Present revision is directed against the order dated 7.10.2016, passed by Civil Judge (Junior Division), SBS Nagar, whereby application under Order 6 Rule 17 CPC filed by the petitioner 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. He has relied upon judgment rendered in *Puran Ram vs. Bhaguram and another, 2008 (4) SCC 102*.

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

It appears, petitioner/plaintiff filed a suit for declaration seeking ownership and possession of land measuring 01 Kanal 13 Marlas,

as detailed in the plaint, on the basis of sale deed dated 12.9.2007, with consequential relief of permanent injunction restraining defendants from interfering into his possession over the suit property. During pendency of suit, petitioner filed instant application under Order 6 Rule 17 CPC for amending the plaint seeking alternate relief of decree for recovery. Trial court has rejected the prayer observing that amendment sought by the petitioner is not necessary, as the relief claimed by way of amendment has become time barred. I find no legal infirmity with the order. It is evident that suit was instituted on 22.11.2012. After two years of framing of issues, instant application was filed by the petitioner. I am of the considered view that recovery rights of petitioner had already become time barred even when instant application was filed by him. The judgment relied upon by learned counsel for the petitioner in *Puran Ram's case* (supra) is not applicable in the present case. Thus, proviso to Order 6 Rule 17 CPC would not be attracted to the case at this stage. The revision petition is, thus, without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

January 19, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No