

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

Civil Revision No.84 of 2017

Date of decision: February 17, 2017

Sham Lal

...Petitioner

Versus

Smt. Kamla and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Naveen S. Bhardwaj, Advocate for the petitioner.

Rajan Gupta, J. (oral)

Present revision petition is directed against the order dated 29.11.2016, passed by the trial court, whereby application dated 29.01.2015 filed by the plaintiffs under Order 6 Rule 17 CPC as well as application dated 20.10.2015, for amendment of application dated 29.01.2015, have been allowed.

Learned counsel for the petitioner has assailed the order. According to him, trial court has erroneously allowed the applications filed by the plaintiffs. By way of proposed amendment, plaintiff/respondents want to change nature of the suit. Thus, impugned order deserves to be set-aside.

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

It appears that a suit for permanent injunction was filed by plaintiffs/respondents No.1 to 3 against petitioner and proforma respondents No.8 to 10 to restrain defendants from forcibly occupying the

specific portion of house bearing No.121-A, Ward No.3, Barwala, District Hisar and from raising any construction on specific portion without getting the same partitioned. Written statement was filed by defendants raising preliminary objection that suit is bad for non-joinder of Smt. Shanti etc. Thus, on 29.01.2015, plaintiffs filed an application under Order 6 Rule 17 CPC for amendment of plaint as well as for impleading Smt. Shanti daughter of Amit Chand along with others as defendants No.5 to 8. However, Smt. Shanti Devi died on 2.2.2015 and after her death, plaintiffs moved another application on 20.10.2015 for impleading Shanti Devi through her legal representatives. Vide impugned order, the trial court has allowed both the applications.

I find no infirmity with the order passed. It is evident that case is at its initial stage and by way of proposed amendment, no prejudice is going to be caused to the defendants. Moreover, during pendency of application for amendment of plaint, Smt. Shanti expired and therefore, the trial court has not committed any error by showing her through her legal representatives. The contention of counsel for petitioner appears to be without any merit.

Dismissed.

(RAJAN GUPTA)
JUDGE

February 17, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No