

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

-.-

Civil Revision No. 8633 of 2017

Date of decision: 12.12.2017

Smt. Kamla Devi

..... Petitioner

Versus

Shri R S Obrai and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Harkesh Manuja, Advocate
for the petitioner

-.-

Rekha Mittal, J. (Oral)

The present petition directs challenge against order dated 10.11.2017 (Annexure P4) passed by the Civil Judge (Junior Division), Gurugram whereby application under Order VI Rule 17 of the Code of Civil Procedure (in short, 'CPC') for amendment of plaint has been rejected.

The sole submission made by counsel is that as the petitioner is not in possession of the suit property, there is no question of her being dispossessed during pendency of the suit as has been sought to be added by way of amendment of plaint with consequential amendment to add the relief of possession/mandatory injunction. It is further submitted that the present petition may be disposed of but without prejudice to right of the petitioner to file another application for amendment of plaint to add the relief of possession by narrating correct facts that she is not in possession of the suit property.

In view of the above, the present petition is disposed of. The

petitioner may file an application for amendment of the plaint narrating correct facts and the same shall be disposed of by the trial Court on its merits, in accordance with law.

(Rekha Mittal)
Judge

12.12.2017
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No