

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

Civil Revision No.2997 of 2018

Date of decision: May 07, 2018

Iqbal Singh and another

...Petitioners

Versus

Vikramjit Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Kulbhushan Soi, Advocate
for the petitioners.

INDERJIT SINGH, J.

Petitioners have filed this revision petition against Vikramjit Singh and other respondents under Article 227 of the Constitution of India for setting aside the order dated 15.02.2018 passed by learned Civil Judge (Junior Division), Ferozepur, vide which the application filed by the respondents-plaintiffs No.1 and 2 under Order 6 Rule 17 CPC in civil suit case titled as 'Vikramjit Singh and another vs. Ranjit Singh' has been allowed.

I have heard learned counsel for the petitioners and have gone through the record.

From the record, I find that Vikramjit Singh and Raminderjit Singh filed a civil suit against Ranjit Singh, Iqbal Singh and Saraj Singh for declaration that the sale deed dated 11.03.2014 executed by defendant No.1

Ranjit Singh in favour of defendants No.2 and 3 with regard to suit land is

illegal, null and void and has been prepared by defendants in connivance with each other and for consequential relief of permanent injunction restraining the defendants from further alienating or creating any charge over the suit land etc.

During the pendency of the civil suit, an application has been filed by plaintiffs-respondents No.1 and 2 under Order 6 rule 17 CPC seeking amendment of the plaint. It is stated in the application that applicants intend to amend the plaint incorporating the fact that applicants have been dispossessed by defendants No.2 and 3 (present petitioners) from the suit land forcibly during the pendency of the present suit. The defendants denied the allegations and took the plea that they were already in possession of suit land. Learned Civil Judge (Jr. Divn.) Ferozepur, vide order dated 15.02.2018, accepted the application by holding that no prejudice is going to be caused to the other party and the subject matter of the suit shall not be changed if the amendment is allowed and disputed fact shall remain a matter of evidence.

From the perusal of the record, I find that no illegality has been committed while accepting the application under Order 6 Rule 17 CPC. It is a finding of fact to be given by the lower Court on the basis of the evidence whether defendants were already in possession over the suit land or the plaintiffs have been dispossessed during the pendency of the suit. The subject matter of the suit mainly remains the same and if the amendment in question is allowed, no prejudice would be caused to the defendants. They will have every opportunity to prove that they were already in possession whereas the plaintiff will lead evidence to show that they have been dispossessed during the pendency of the proceedings and the lower Court,

from the evidence, will decide this fact.

In view of the above discussion, I find that no illegality has been committed while accepting the application under Order 6 Rule 17 CPC. The impugned order dated 15.02.2018 passed by learned Civil Judge (Junior Division), Ferozepur, is correct and as per law and does not require interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

May 07, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No