

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR No.3765 of 2018  
Date of Decision: 17.07.2018

Kuldip Singh

.... Petitioner

Versus

Tej Kaur

... Respondent

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr. Lalit Pahtak, Advocate  
for the petitioner.

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**RAJ MOHAN SINGH, J. (Oral)**

[1]. This revision petition has been preferred by the petitioner against the order dated 22.05.2018 passed by Civil Judge (Junior Division), Nabha, whereby application under Order 6 Rule 17 read with Section 151 CPC filed by the petitioner was dismissed.

[2]. Plaintiff filed a suit for permanent injunction against the defendants. Para No.7 of the plaint reads as under:-

*“That there is no other previous litigation of such nature either pending or decided by any Court of law between the parties to the present suit in respect of same cause of action or subject matter”.*

[3]. Defendant appeared in the suit and filed written statement. Averments made in para No.7 of the written

statement are to the following effect:-

*“Para No.7 is denied. The suit of defendant was presented on 18.12.2015 and plaintiff was served in that suit and he appeared in the same through his counsel Sh. Shukla. Thus this para is false.”*

[4]. Plaintiff filed replication in which factum of filing of earlier suit by the defendant for declaration was admitted and the stand taken in the plaint was corrected. Thereafter, present application for amendment of plaint was filed to incorporate the following words

*“except the suit for declaration & permanent injunction from alienating, transferring the suit property, titled as “Tej Kaur Vs. Kuldeep Singh” is pending before the Court of Sh. Harmanjit Singh Deol, PCS, Civil Judge (Jr. Divn.), Nabha”.*

[5]. Learned counsel for the petitioner contended that the proposed amendment will not change the nature of the suit and it is necessary for just decision of the case. During course of arguments, filing of earlier suit by the defendant has not been denied. It has also not been denied that in the said suit, the petitioner being defendant therein filed an application under Order 7 Rule 11 CPC for rejection of plaint. Prayer for rejection of plaint was rejected and the suit is still pending before the trial Court.

[6]. At this stage, Mr. Ashish Gupta, Advocate appears on

behalf of the respondent though there is no notice of motion issued in the present case and informs the Court that the plaintiff/petitioner was successful in obtaining *ex parte* stay order on the date of filing of the suit itself.

[7]. Even though, the replication is part of pleadings and the amendment sought is found to be totally unnecessary, but the conduct of the plaintiff is deplorable in view of concealment of fact regarding filing of the suit for declaration by the defendant prior to filing of suit for permanent injunction by the plaintiff. Trial Court has rightly imposed costs of Rs.500/- while rejecting the application.

[8]. In view of aforesaid, the present revision petition stands dismissed.

July 17, 2018  
Prince

**(RAJ MOHAN SINGH)**  
**JUDGE**

**Whether reasoned/speaking**

**Yes/No**

**Whether reportable**

**Yes/No**