

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

CR No. 5559 of 2018
Date of Decision: 27.08.2018

Didar Singh through his LR

.....Petitioner

Versus

Balbir Kaur

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Parampreet Singh Paul, Advocate
for the petitioner.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 07.07.2018 passed by the Civil Judge (Senior Division), Rupnagar (for short, the Trial Court) through which an application filed by the petitioner under Order 6 Rule 17 CPC seeking amendment of the plaint has been dismissed.

The facts in brief which are required to be noticed for adjudicating upon the present petition are that in the year 2009, Didar Singh filed a suit seeking therein permanent injunction to restrain the respondent, who was the defendant in the suit, from interfering in any manner into his peaceful possession over the property detailed and described in the head note of the plaint (for short the suit property). After both the parties had closed their respective evidence and the matter was listed for final arguments, an application was filed on behalf of the petitioner/plaintiff under Order 6 Rule 17 CPC seeking to amend the plaint by converting the suit for permanent injunction to a suit for declaration to the effect that he

has become owner in possession of the suit property.

Learned counsel for the petitioner submits that the Trial Court erred in dismissing the application for amendment as the petitioner was only seeking a formal amendment and did not wish to lead any evidence in support thereto.

The afore submission made by learned counsel for the petitioner has been considered but no merit in the same is found.

After nine years of the filing of the suit, the petitioner seeks to convert a suit for permanent injunction filed to restrain the respondent from dispossessing the petitioner from the suit property into a suit for declaration as owner in possession of the same. The entire nature of the suit is sought to be changed and that too after nine years of the filing of the suit, which cannot be permitted especially when no subsequent event to seek the amendment has been shown and when both the parties have concluded their respective evidence as also in the light of the observations made by the Trial Court that the petitioner is in the habit of filing of applications to delay the disposal of the suit.

In view of the above, no merit is found in the present petition.

Dismissed.

(DEEPAK SIBAL)
JUDGE

27.08.2018
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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No