

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

Civil Revision No.6743 of 2018 (O&M)

Date of Decision: 12.11.2018

Dharambir

...Petitioner

Versus

Satbir Singh and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr.Vikram Singh, Advocate for
Mr.Abhinav Sood, Advocate for the petitioner.

HARINDER SINGH SIDHU, J.

The petitioner is defendant No.1 in a civil suit filed by respondent No.1 (plaintiff). In the civil suit plaintiff-respondent No.1 had sought declaration and permanent injunction to the effect that he is owner in possession of the suit land on the basis of succession and the defendants have no right, title and interest therein. The defendants in collusion with the revenue officials had got sanctioned mutation No.3370 dated 12.05.2016 in their favour and the same was illegal and null and void.

The petitioner is aggrieved of the order dated 10.09.2018 of learned Civil Judge (Jr.Divn.), Patna whereby an application under Order 6 Rule 17 CPC filed by the plaintiff-respondent No.1 for amendment of the plaint has been allowed. Vide the said amendment, the plaintiff has sought to incorporate certain paragraphs to the effect that the suit land had been sold by Nihal Singh, his father, vide registered sale deed bearing Vasika No.38

dated 10.05.1973 in favour of the plaintiff, Ram Niwas and Sukhbir Singh,

(predecessor-in-interest of defendants No.6 to 11). With the execution of the sale deed, the plaintiff had become lawful owner in possession of the suit land. Correction in the revenue record was also prayed for to incorporate the names of the plaintiff and defendants No.5 to 11.

The application for amendment of plaint was moved by the plaintiff at the stage when even the written statement on behalf of the defendants has not been filed. Learned trial Court has rightly held while allowing the application for amendment of plaint that the proposed amendment would bring out the clear picture of the controversy in question and would assist the Court to effectively adjudicate upon the controversy and would also prevent multiplicity of suits.

There is no infirmity in the impugned order.

Dismissed.

12.11.2018

dinesh/sd

**(HARINDER SINGH SIDHU)
JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No