

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

CR No.911 of 2018

Date of Decision:16.02.2018

Swami Mangla Nand giri

.....Petitioner

Vs.

Sanjay Giri and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. V.K. Sandhir, Advocate for the petitioner.

RAMENDRA JAIN, J. (Oral)

Through this Civil Revision filed under Article 227 of the Constitution of India, challenge has been made to the order dated 29.11.2017 (Annexure P.8) of the trial Court dismissing the application of the petitioner- plaintiff filed under Order 6 Rule 17 read with Section 151 CPC for correction of Khasra number in the plaint.

In nutshell, the petitioner filed a suit to declare him as a lawful chela of Mahant Amrita Nand Giri Chela Swami Hari Haranand Giri and owner as well of the suit properties and further that he was entitled for the compensation of the land acquired by the government for public purposes in the year 2010. During the pendency of the suit, revenue officials while correcting the revenue record changed khasra No.229/166 to 229/168 in the year 2011. When this fact came to the knowledge of the petitioner at the time of examination of DW1, namely, Waryam Singh Naib Tehsildar, Amritsar-I, the petitioner immediately moved an application under Order 6

Rule 17 CPC for making necessary correction in his plaint.

The trial Court after hearing both the sides dismissed the said application of the petitioner vide impugned order dated 29.11.2017 (Annexure P.8).

Learned counsel for the petitioner- plaintiff submits that amendment sought in the plaint by way of application filed under Order 6 Rule 17 CPC was based on a subsequent event which happened during the pendency of the suit, therefore, the trial Court ought not to have dismissed application of the petitioner in this respect.

Having given considerable thought to the submissions made by learned counsel for the petitioner, this Court finds that the impugned order of the trial Court (Annexure P.8) is patently erroneous and illegal. The observations made by the trial Court in the impugned order are hypothetical and imaginary. The trial Court failed to appreciate that there was no opportunity for the petitioner to come to know about the change in the revenue record by the revenue authorities during the pendency of the suit. It failed to appreciate that the amendment sought by the petitioner was not going to change nature of the suit rather the same would have help it in effective adjudication of the real controversy in between the parties.

In view of the discussion made above, the impugned order is set aside. Resultantly, application of the petitioner for amendment in his plaint to the extent of correction of khasra number is allowed.

This revision petition is disposed of accordingly.

This order has been passed without issuing notice to the respondents- defendant with a view to impart justice expeditiously to the

parties and to save the huge expenses which may be incurred by him and also to avoid unnecessary delay in the adjudication of the matter. Still, if dissatisfied, the respondents may move this Court for recalling this order within a period of six weeks from today.

February 16, 2018
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(RAMENDRA JAIN)
JUDGE

Whether Speaking/reasoned	Yes.
Whether Reportable	Yes.