

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

**CR No. 6114 of 2019
Date of decision: 26.09.2019**

Sikander Kaur Pannu

...Petitioner

V/s.

Pardeep Balu and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Tejibinder Singh, Advocate for the petitioner.

RITU BAHRI, J. (Oral).

The petitioner has come up in revision against the order dated 06.08.2019 (Annexure P-4) whereby his application under Order 6 Rule 17 read with Section 151 CPC for amendment of the plaint, has been dismissed.

Learned counsel for the petitioner submitted that the suit filed by the plaintiff was for permanent injunction and the defendants had encroached the suit property. He has argued that the application was filed after framing of the issues but before the evidence of the plaintiff.

A perusal of the order dated 06.08.2019 (Annexure P4) shows that in the written statement filed on 05.12.2008, a specific stand taken by the defendants that they are owners of possession in the suit property pursuant to the agreement to sell dated 07.01.2000 and they had raised construction over the said property after filing written statement on 05.12.2008. The suit for permanent injunction was filed on 15.11.2008 and the application for amendment of the plaint was filed on 18.10.2014 i.e.

after a lapse of 6 years and keeping in view the provisions of Order 6 Rule 17 CPC, it cannot be a case that the plaintiff could not have amended plaint before the commencement of trial.

The trial Court while referring to the judgment passed by Supreme Court in *Vidyabai & others Vs. Padmalatha and another 2009(1) RCR(Rent)120* has rightly dismissed the application.

Revision is dismissed accordingly.

26.09.2019

Divyanshi

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No