

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 118

CR-7134-2019

Date of decision : 13.11.2019

Mohan Lal

..... Petitioner

VERSUS

Pushpa Rani and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Abhinav Jain, Advocate, for the petitioner.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 08.08.2019, passed by the Additional Civil Judge (Senior Division), Faridkot (for short, the Trial Court), through which an application filed by respondents No. 1 to 4/plaintiffs under Order 6 Rule 17 read with Order 22 Rule 3 and Order 1 Rule 10 CPC has been allowed.

It is not disputed that respondents No. 1 to 4/plaintiffs filed a suit seeking therein possession of a shop detailed and described in the head note of the plaint (for short, the suit property). Permanent injunction to restrain the petitioner and others, who were the defendants, from changing the nature, character and shape of the suit property was also sought. While such suit was pending, Lachmi Devi, who was defendant No. 4 in the suit, died and therefore, an application under Order 6 Rule 17 read with Order 22 Rule 3 and Order 1 Rule 10 CPC for amendment in the plaint and impleading respondents No. 8 to 18/defendants No. 5 to 15 was filed. Through the sought amendment respondents No. 1 to 4 sought possession by way of partition of the suit property; rendition of accounts of the business being carried out in the suit property; recovery of mesne profits for use and occupation of the suit property and for restraining the defendants in the suit from changing the nature, character and shape of the suit property. Since respondent No. 7-Lachmi Devi died during the pendency of the suit, her legal representatives were sought to

be impleaded as defendants No. 5 to 15. The Trial Court allowed respondents No. 1 to 4/plaintiffs' application through the order under challenge in the present proceedings.

Learned counsel for the petitioner has been heard.

Respondents No. 1 to 4 had filed a suit seeking therein possession of the suit property. Injunction was also prayed for to restrain the petitioner and other defendants in the suit, from changing the nature of the suit property. Even before any issues were framed, respondent No. 7-Lachmi Devi, who was the mother of the parties to the suit expired. On the happening of such event, respondents No. 1 to 4/plaintiffs sought to implead her legal heirs which was permitted by the Trial Court. In these circumstances, no error is found in the impugned order permitting to bring on record the legal representatives of respondent No. 7-Lachmi Devi.

So far as the permission granted by the Trial Court to respondent No. 1 to 4/plaintiffs to amend their suit to include therein the prayer for partition and rendition of accounts is concerned, the same also warrants no interference in revisionary jurisdiction of this Court as such amendment has been allowed to prevent multiple litigation at the very initial stage of the suit when even issues have not been framed. The permitted amendment would also not cause any prejudice to the petitioner as he would be granted opportunity by the Trial Court to rebut the amended pleadings.

Dismissed.

13.11.2019
shamsher

[DEEPAK SIBAL]
JUDGE

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