

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

**C.R. No 7831 of 2019
Date of decision : 10.12.2019**

Mehtab Singh

....Petitioners

versus

Sant Baba Hakumat Singh and ors.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. M.S. Dhaliwal, Advocate
for the petitioner.

RITU BAHRI, J. (Oral)

Challenge in this petition is to order dated 08.11.2019 passed by learned Civil Judge (Jr. Divn.) Dhuri where by application under Order 6 Rule 17 CPC seeking amendment of the plaint at the fag end of trial, has been allowed.

A bare perusal of the impugned order shows that the application has been filed by the plaintiff for amendment in the plaint by seeking an alternative relief of possession and accordingly to add para No. 6-A in the original plaint. The suit was filed by the plaintiff for declaration that plaintiff society is owner in possession of 4 kanals of land as detailed in the plaint. The case of the plaintiff is that he is owners of the suit land. The application has been allowed as the alternative relief of possession is not contrary to the relief already sought by the plaintiff. The relief will not adversely effect the interest of the defendants.

Learned counsel for the petitioner is seeking setting aside of the impugned order on the ground that the application has been filed by the plaintiff at the very fag end of the suit when the case was fixed for arguments. Earlier plaintiff had taken a plea that possession of the suit land is with him, but now he is seeking a relief which is contrary to the stand taken by the plaintiff.

After hearing learned counsel for the petitioner, the present petition is liable to be dismissed as the proposed amendment would not change the nature of the suit or the nature of the relief. The proposed amendments are not contrary or inconsistent to the previous stand of the defendant. The proposed amendments are also necessary to prevent the multiplicity of litigation.

In view of the discussion made above, the present petition is dismissed

December 10, 2019
G Arora

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>