

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-7754 of 2017(O&M)
Date of Order: 07.04.2022

Pritpal Singh and another

..Petitioners

Versus

Jatinder Kaur and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Harminder Singh, Advocate
for the petitioners.

Mr. G.S.Sirphikhi, Advocate
for the respondents.

ANIL KSHETARPAL, J(Oral)

The defendants before the trial Court assail the correctness of the order passed by the Civil Judge (Junior Division), Batala, while permitting the plaintiffs to amend their plaint.

The plaintiffs claim to be widow and minor daughter of late Sh. Jaspal Singh. He was defendants' brother. The plaintiff's filed a suit for grant of decree of declaration to the effect that they are owners in possession of land measuring 22 kanals and 18 marlas with a consequential relief of permanent injunction. It was asserted that plaintiff no.1 was married to late Sh. Jaspal Singh on 22.04.2011. Whereas plaintiff no.2 was born on 15.03.2012. Late Sh. Jaspal Singh was alleged to have expired on 13.04.2011.

The defendants contested the suit. During the pendency of the

suit, the plaintiffs in order to seek relief of possession and got certain typographical errors, and they filed the application for permission to amend the plaint.

The learned trial Court on appreciation of facts, has allowed the amendment of the plaint. The date of death of late Sh. Jaspal Singh has been permitted to be corrected. Plaintiff no.1 has also been permitted to include assertions that she was also married to Rajwinder Singh and that the marriage was dissolved on mutual consent as per the custom, amongst the Jat community of Amritsar and Gurdaspur.

The learned counsel representing the petitioners contends that the nature of the suit has been changed from declaration to possession and certain facts which were part of the original plaint are now sought to be given new colour in view of the stand in the written statement.

The nature of the suit does not change merely because an additional relief of possession has been sought. From the very beginning, the plaintiffs' suit is for grant of decree of declaration that they are owners in possession of land which was left behind by late Sh. Jaspal Singh. Merely because an additional relief has been sought to be included does not result in changing the nature of the suit particularly when the foundation of the suit remains the same.

Moreover, there is an apparent typographical error in the plaint as late Sh. Jaspal Singh was married to Jatinder Kaur on 22.04.2011, therefore, his date of death was obviously incorrect.

In view thereof, no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

April 07, 2022
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(ANIL KSHETARPAL)
JUDGE

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