

124 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1778-2022
Decided on : 09.05.2022

Bachint Kaur

..... Petitioner

Versus

Bhupinder Singh and others

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. R.S.Rangpuri, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

Instant revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 31.01.2022 (Annexure P-1) whereby an application filed by the respondents under Order 6 Rule 17 CPC for amendment of the plaint was allowed.

Learned counsel for the petitioner *inter alia* contends that the Court below gravely erred in allowing the application filed under Order 6 Rule 17 CPC by not appreciating that Sukhwinder Singh, father of respondent No.1 never challenged the decree in question, which was now being sought to be challenged in the suit for declaration filed by the respondents-plaintiffs. It is submitted that as per the family settlement, father of respondent No.1-Sukhwinder Singh had got his share. Sukhwinder Singh had died on 12.02.1995 and thereafter his mother i.e petitioner had not claimed any share from the inheritance of her deceased son i.e. Sukhwinder Singh on account of a family settlement. It is further submitted

that written statement already stood filed by the defendants. During the pendency of the suit, an application under Order 6 Rule 17 CPC had been filed by the plaintiffs on account of a subsequent transfer deed dated 22.09.2020, which had been executed by the petitioner-defendant No.2 in favour of her grandson Rajvir Singh Mann s/o Paramjit Singh-defendant No.1. Learned counsel also contends that the transfer which had been made by the petitioner in favour of her grandson Rajvir Singh Mann was as per law. It is still further submitted that the petitioner was fully competent to deal with her land as per her wishes and the plaintiffs by moving an application under Order 6 Rule 17 CPC were just trying to obstruct and delay the trial before the Court below.

Heard learned counsel and perused the relevant material available on record.

Whether the transfer of the suit property is as per law or not would be a matter to be dealt with and appreciated during trial.

It is not disputed that the trial is still at the initial stage and the amendment of the plaint, which has been sought for, by the respondent and which stands allowed by the impugned order dated 31.01.2022, does not come across as being perverse. The plaintiffs by way of the proposed amendment, which has been allowed, is claiming the relief of mandatory injunction with a direction to implead Rajvir Singh Mann as a defendant.

This Court concurs with the observations made by the Court below that no prejudice would be caused to the defendant if Rajvir Singh Mann is allowed to be impleaded as a party. It needs to be reiterated that the plaintiff and the plaintiff alone is dominus litis and provisions of Order

6 Rule 17 CPC categorically provides that any party to the suit may alter or amend their pleadings in the manner and on such terms, as may be just, for adjudicating the controversy between the parties.

This Court is in the above mentioned facts and circumstances not inclined to invoke its revisional jurisdiction to set aside the impugned order. Accordingly, the present petition being devoid of any merit, stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

09.05.2022
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No