

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

-:-

**CR-2374-2022 (O&M)
Date of Decision : 04.07.2022**

Avneet Singh and Another

...Petitioners

versus

Sarabjit Singh and Others

...Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. K.S.Brar, Advocate for the petitioners.

Mr. Surinder Garg, Advocate for caveator-respondent No.1.

ALKA SARIN, J. (Oral)

The present revision petition under Article 227 of the Constitution of India has been filed challenging the order dated 17.02.2021 passed by the Additional Civil Judge, (Senior Division), Faridkot whereby an application for amendment of the plaint has been allowed by the Trial Court.

Learned counsel for the petitioner would contend that the amendment now sought would change the nature of the suit.

The suit in the present case has been filed for possession by partition by metes and bounds of 62/420 share of land measuring 21 kanals 0 marla comprising in Khasra Nos.3245/21-0, Khewat No.89, Khatauni No.105, as per Jamabandi for the year 2009-10, as shown in the Aks Shajra as well as in the site plan attached with the plaint, situated within the Municipal Limits of Faridkot and for separate possession of share and

further for permanent injunction restraining defendant Nos.1 to 3 from alienating any specific portion of the suit property.

Respondent No.1-plaintiff filed an application for amendment of the plaint seeking to add para 11-A to the following effect :

“11-A. That as referred above, the plaintiff alongwith the defendant Avneet Singh, Tejinder Kaur daughter of Bachan Singh, Jaspreet Kaur daughter of Harmeet Singh was in joint possession as a co-sharer. During the pendency of the suit, the defendant No.3 Avneet Singh forcibly constructed part of the property into a shop and put the defendant No.114 in its possession. The terms and conditions are not within the knowledge of the plaintiff. The defendant No.3 was not legally competent to change the nature of the property and further to put any third person in possession. In any case, the defendant No.114 shall be bound by the judgment of this case and he shall be bound to pay proportionate rent/use & occupation of the share of the plaintiff.”

Learned counsel for the caveator-respondent No.1-plaintiff would contend that the said amendment would in no manner change the nature of the suit and infact the amendment was necessary for determining the real question and controversy. It is further the contention that the suit is still at the initial stage and even issues have not been framed till date.

Heard.

Keeping in view the fact that the suit is still at the initial stage and even issues have not been framed, nor the amendment sought would change the nature of the suit, I do not find any illegality or infirmity in the impugned order passed by the Trial Court allowing the application for amendment.

The petition is accordingly dismissed. Pending applications, if any, also stand disposed off.

July 04, 2022
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO