

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 1199 of 2022(O&M)****Date of Decision: 20.10.2023**

Naib Singh and Another

... Petitioner(s)

Versus

Jaswinder Kaur and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.Present: Mr. Tejinder Pal Singh Makkar, Advocate
for the petitioner(s).Mr. Sumeet S. Brar, Advocate
for the respondent No.1.Mr. R.P.Daaria, Advocate
for the respondent No.2.**Anil Kshetarpal, J.**

1. This revision petition has been filed by the plaintiffs. Their suit for the grant of decree of permanent injunction restraining the defendant from interfering in their peaceful possession is pending before the trial Court.

2. During the pendency of the suit, the plaintiffs filed an application under Order I Rule 10 read with Order VI Rule 17 of the Code of Civil Procedure, 1908 (hereinafter referred to as “CPC”). In substance, the petitioners pray for impleadment of Karamjit Singh as defendant to the suit and consequently, permit them to challenge the correctness of the agreement to sell dated 21.01.2014. The trial Court has dismissed the application on the ground that the trial has commenced and now no application under

Order VI Rule 17 CPC for amendment of the plaint can be allowed.

3. In this case, the defendant, while filing the written statement, has disclosed that she has received this property in exchange of her land with the suit land of Karamjit Singh. On the aforesaid objection, the plaintiffs have filed an application for permission to amend the plaint and add Karamjit Singh as a defendant to the suit.

4. Heard the learned counsel representing the parties at length and with their able assistance, perused the paper-book.

5. The learned counsel representing the petitioners contends that the case is now fixed for the plaintiffs' evidence, but no substantive evidence as yet has been led. The learned counsel further submits that the application should have been allowed by the trial Court particularly when it was moved on the objection of the defendant.

6. On the other hand, the learned counsel representing the respondent submits that this Court should not interfere in the discretion exercised by the trial Court.

7. This Court has considered the submissions. It is well settled that the efforts are required to be made for conclusion of the litigation and avoid multiplicity of the court proceedings. In this case, the civil suit was filed in the year 2018. The plaintiffs have already filed a suit for the grant of decree of permanent injunction claiming that they are in peaceful possession of the same. Now, by way of amendment, the plaintiffs want to incorporate the relief of declaration and implead the predecessor-in-interest of the defendant. If the amendment is allowed, the litigation between the parties can conveniently be decided finally. Originally, the suit has been filed only

for the grant of decree of permanent injunction. It is always in the interest of justice that the suit is decided in a comprehensive manner so as to bring finality of the issue decided. Moreover, the proviso to Order VI Rule 17 CPC, though, requires due diligence, however, a meritorious case cannot be thrown out only on a hyper technical objection. Reliance in this regard is placed on the judgment of the Supreme Court in *Life Insurance Corporation of India v. Sanjeev Builders Private Limited and Another* 2022 AIR (Supreme Court) 4256.

8. Keeping in view the aforesaid facts, the present revision petition is allowed. The plaintiff's application for permission to amend the plaint and to implead Karamjit Singh as a defendant to the suit shall stand allowed.

9. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

October 20, 2023

"DK"

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No