

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

CR No.2963 of 2019

Date of Decision: 08.02.2023

Amritpal Singh

.....Revisionist-petitioner

Versus

Jatinder Kaur

.....Respondent

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. D.S. Malwai, Advocate
for the revisionist-petitioner.

Mr. Ankit Joshi, Advocate
for the respondent.

MEENAKSHI I. MEHTA, J.(Oral)

By way of the instant revision petition, the petitioner-plaintiff (here-in-after to be referred as 'the plaintiff') has laid challenge to the order dated 19.04.2019 (Annexure P-5) passed by learned Civil Judge (Junior Division), Malerkotla (for short 'the trial Court') in the Civil Suit titled as '*Amritpal Singh Vs. Jatinder Kaur*', whereby the application (Annexure P-3) moved by him (plaintiff) under Order 6 Rule 17 read with Section 151 CPC for seeking amendment in the plaint, has been dismissed.

2. I have heard learned counsel for the petitioner-plaintiff as well as learned counsel for the respondent-defendant in the present revision petition and have also perused the file carefully.

3. Learned counsel for the plaintiff contends that by way of the

proposed amendment, the plaintiff intends to add the relief of declaration qua his ownership over the suit land, in the plaint and this amendment would not change the nature of the Suit but vide the impugned order, the trial Court has wrongly dismissed his afore-said application and therefore, the said order is not legally sustainable and deserves to be set-aside.

4. Per contra, learned counsel for the defendant argues that the plaintiff has moved the above-referred application after the commencement of the trial in the Civil Suit, i.e at a much belated stage and it being so, it is explicit that the trial Court has rightly dismissed the said application and hence, the impugned order is perfectly legal and justified.

5. A perusal of the plaint Annexure P-1 reveals that the plaintiff has filed the Suit for seeking a decree for permanent injunction against the defendant while claiming his ownership over the suit land, by virtue of the Will dated 15.11.2015 and also challenging the Mutation bearing No.1792, as entered and sanctioned in respect of this land, meaning thereby that the relief, as now sought to be incorporated in the plaint, is not based on any new facts or circumstances arisen after the filing of the Suit. Moreover, the trial has already commenced in the said Suit. However, throughout in his application, the plaintiff has not come forward with any fair, candid and plausible explanation for not claiming the afore-said relief qua declaration at the time of filing the Suit.

6. In view of the fore-going discussion, this Court is of the considered opinion that the impugned order does not suffer from any illegality, infirmity, irregularity or perversity so as to call for any

interference by this Court. Resultantly, the revision petition in hand, being
sans any merit, stands dismissed.

February 08, 2023
pooja

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>