

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CR-3454-2019 (O&M)

Date of Decision : 20.03.2023

Shri Guru Ravidass Bhagat Committee

....Petitioner

VERSUS

Piara Singh & Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Abhay Gupta, Advocate for the petitioner.

Mr. Navjot Singh, Advocate for respondent No.4.

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ALKA SARIN, J. (Oral)

The present revision petition has been filed challenging the order dated 28.03.2019 passed by the Trial Court dismissing the application filed under Order 6 Rule 17 CPC for amendment of plaint.

The suit in the present case was filed in the year 2017 for permanent injunction for restraining the defendant from interfering in the Management of the Shri Gurudwara Sahib Bhagat Ravidass and to demolish earlier construction in the shape of a temple and to raise any further construction in the premises of Gurudwara Sahib forcibly and illegally and without due course of law.

At the initial stage itself, an application for amendment of the plaint was filed for amending the head note to bring it in tandem with the

prayer clause. Vide impugned order dated 28.03.2019 the Trial Court dismissed the said application on the ground that an amendment cannot be allowed if it changes the nature of the suit. Hence, the present revision petition.

Learned counsel for the petitioner would contend that the amendment sought does not changes the nature of the suit and infact was only filed in order to bring the head note in tandem with the prayer clause as it originally stood in the plaint as well as adding of the description of the property in order to obviate any confusion. Learned counsel would further contend that there is no other change to the plaint.

Per contra, learned counsel for respondent No.4 would contend that the amendment now sought amounts to changing the nature of the suit as the description of the property would change.

Heard.

In the present case at the time of the filing of the suit the description of the property had not been given in the plaint. Further, the head note and prayer clause were at variance. By way of the present amendment application, which has been filed at the initial stage, the petitioner has sought to reconcile the head note and the prayer clause as well as to add the description of the property. The said amendment is at the initial stage and would not cause any prejudice to the respondents. Further, the said amendment does not in any way change the nature of the suit inasmuch as the prayer remains the same. There is no other amendment sought to the body of the plaint.

In view of the above, the impugned order cannot be sustained and is set aside and the application for amendment of the plaint is accordingly allowed. The revision petition stands allowed. Pending applications, if any, also stand disposed off.

March 20, 2023
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(ALKA SARIN)
JUDGE

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