

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CR-3218-2023 (O&M)

Date of decision: 24.05.2023

Shashi Gupta

...Petitioner

VS

Amrik Singh

...Respondent

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

Present: Mr. Yogesh Saini, Advocate,  
For the petitioner.

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**ARUN MONGA, J. (ORAL)**

Revision petition herein *inter alia* is to set aside impugned order dated 27.04.2023 (Annexure P-5) passed by learned Additional Civil Judge (Senior Division), Hoshiarpur whereby application moved by respondent/plaintiff under order 6 Rule 17 read with Section 151 CPC for amendment of plaint, was allowed.

2. Clipped factual narrative first, as pleaded in the instant petition.

2.1. Respondent/plaintiff has filed a suit for declaration to the effect that he is absolute owner in possession of the shop/property situated within Lal Lakeer of vicinity and bearing Municipal no.B-14/100/MCH situated at Mohalla Committee Bazar, Hoshiarpur inherited from his father late Sh. Babu Singh. It is the pleaded case of petitioner that shop was in possession of respondent as a tenant and it is only a part of the building owned by the petitioner. Alleged *Hibanama* is a forged and fabricated document is the objection of petitioner. The respondent by way of application wanted to amend the pleadings to introduce the said *hibanama* and the application for amendment of plaint was wrongly allowed vide impugned order.

2.2. Earlier to this, an ejectment petition was filed by petitioner-Shashi Gupta, which was accepted by learned Rent Controller, Hoshiarpur. However, at the time of contesting earlier ejectment petition or at the time of filing the suit, respondent-Amrik Singh did not produce or rely upon the *Hibanama* dated 12.04.1977 in respect of the suit property/shop bearing No.100 stated to have been executed by one Mansha Ram son of Jawala Singh in favour of Babu Singh i.e. father of respondent Amrik Singh.

3. Given the nature of order being passed, there is no necessity to issue notice to respondent herein, as no serious prejudice would be caused to him.

4. I have heard learned counsel for petitioner and gone through the case file.

5. Having seen the contents of the application for amendment of plaint, I am of the view that for the reasons stated therein, the amendment ought to have been allowed. That apart proposed amendment would not either change the nature of suit nor even the relief sought therein. As regards defence taken in reply to the application that this is second round of litigation and while filing the earlier ejectment petition by the petitioner-landlady, the respondent did not plead any such *Hibanama*, the same has been duly justified in para 3 of the application, wherein it is clearly stated that at the time of contesting the ejectment petition, this *Hibanama* dated 12.04.1977 was not in the knowledge of respondent.

6. In any case, petitioner/defendant is at liberty to take all available pleas in answer to the amended plaint about the genuineness, admissibility etc. of the document, in accordance with law and the same will be considered by learned Trial Court. That apart, trite law it is that plaintiff

has to stand on its own legs and in case, plaintiff fails to prove the veracity or admissibility of the document in the trial, needless to say, learned trial Court will take an appropriate call on it and proceed in accordance with law.

7. In the premise, I see no grounds to interfere with the impugned order passed herein and same is sustained. Revision petition is dismissed.

8. Pending civil miscellaneous application(s), if any, shall also stand disposed of.

**(ARUN MONGA)**  
**JUDGE**

**24.05.2023**  
vandana

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |