

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

**Civil Revision No. 4185 of 2023(O&M)
Date of Decision: 22.08.2023**

Rupinder Kaur & Anr.

...Petitioners

Versus

Bhagwan Dass

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Suresh Kumar Aneja, Advocate
For the petitioners.**

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioners/ defendants against the order dated 31.05.2023 passed by the Court of Civil Judge (Jr.Divn.) Sri Muktsar Sahib whereby an application filed by respondent for amendment of the plaint has been allowed in civil suit titled Bhagwan Dass Vs. Rupinder Kaur & Ors. having CS No. 704 of 2022.

2. The counsel for the petitioners, *inter alia*, submits that respondent filed suit for possession of one *nohra* measuring 7 *marla* being 7/90 share out of 04 *kanals* 10 *marlas* bearing *khewat* No. 614, *khatoni* No. 849, *Khasra* No. 2469 (4-10) situated in the area of Sri Muktsar Sahib-1 and for permanent injunction restraining the defendants from raising any construction in the suit property. That the suit is being contested by the petitioners and they filed written statement and after framing of issues, the case was fixed for evidence of respondent/ plaintiff and at that stage the respondent filed an application for amendment of the plaint in order to add certain more *khasra* numbers in the suit property situated in the same area.

The counsel for the petitioner submits that the area which the respondent has intended to include in the plaint by way of amendment is already within the knowledge of respondent at the time of filing of the suit and the trial has commenced and respondent is unable to satisfy that inspite of due diligence respondent could not have raised the matter before the commencement of trial. The counsel for the petitioners further submits that it being so there was no ground for the learned trial Court to allow the application moved by the respondent seeking amendment of the plaint. So, prayer is made that the impugned order be set aside. In support of his contentions the counsel for the petitioners has referred to decision of this Court in **Bahadar Singh & Anr. Vs. Avtar Singh 2007(3) RCR (Civil) 44.**

3. I have considered the submissions made by counsel for the petitioners.

4. By way of amendment the respondent has intended to add certain more area in the suit property and the said application for amendment has been allowed by the learned trial Court vide impugned order and the petitioners being not satisfied have filed the present revision petition. Admittedly, the proposed amendment is not going to change the cause of action or nature of the suit and does not raise a time barred claim. Further, it will not amount to withdrawal of any clear admission made by the respondent in the original plaint. There is nothing on the record to show that prayer for amendment is *malafide* and rather the proposed amendment will avoid multiplicity of proceedings between the parties who are closely related to each other as respondent is father of petitioner No.1. Furthermore, the proposed amendment which has rightly been allowed by the learned trial Court is going to advance the cause of substantive justice.

5. In view of the discussion made hereinabove, this Court is of the view that there is no illegality or infirmity in the impugned order. Consequently, the present revision petition is dismissed being devoid of merits.

(KARAMJIT SINGH)
JUDGE

22.08.2023
Jiten

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