

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-90-2024
Date of Decision:-15.01.2024

JAGJIT SINGH

.....Petitioner

Versus

CHARANJIT SINGH ALIAS CHANNI AND ANOTHER

... Respondent(s)

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CORAM: HON'BLE MRS. JUSTICE RITU TAGORE

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Present:- Mr. Naveen Bawa, Advocate
for the petitioner.

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RITU TAGORE, J.

1. This revision is directed against order dated 25.10.2023 passed by learned Civil Judge (Junior Division), Ludhiana, whereby prayer of the petitioner to amend the title of the plaint in a suit bearing Civil Suit No.2592 having registration date as 27.05.2021 titled as Jagjit Singh vs. Charanjit Singh @ Channi and Another, by adding name 'Gurcharan Singh' after the name of defendant No.1 (Charanjit Singh @ Channi), was disallowed.
2. Learned counsel for the petitioner submits that amendment was sought to bring on record complete and correct name of defendant No.1,

which came in light during course of proceedings of the case. The amendment was not such that would have caused any prejudice to the defendants or change the nature of the suit.

3. Learned counsel further urges that learned trial Court, itself, observed that amendment in the pleadings should be allowed to stop multiplicity of the litigation and that the proposed amendment as such would not cause any prejudice to the defendants, if the application on hand is allowed. However, thereafter Court dismissed the application by observing that amendment sought for by the applicant/petitioner is a routine application.
4. I have heard learned counsel for the petitioner and have gone through the paper-book.
5. Keeping in view the relief sought by the petitioner, notice to the respondents is not deemed necessary, hence same is dispensed with.
6. The petitioner/plaintiff filed the suit for permanent injunction restraining the defendants either themselves or through attorneys, friends, relatives, associated etc. from changing or causing to change the nature of the Chowk situated at Mukhtiar Nagar on Jaspal Banger-Lohara Road, by way of removing the sign boards or Chowk naming Fauji Chowk from the locality and installing or pasting any board, flex of poster showing any other name except Fauji Chowk in the area as detailed in the plaint, illegally and forcibly.
7. The defendants filed written statement and refuted the averments of the plaintiff as contained in his pleadings. Subsequently, the plaintiff filed an application (Annexure P-4) under Order 6 Rule 17 read with

Section 151 CPC to amend the title, pleading that name of defendant No.1 is Charanjit Singh @ Channi. During the pendency of the case, the plaintiff came to know that defendant No.1 is known by two names i.e. (“**Charanjit Singh @ Channi** and **Gurcharan Singh**”) and has also filed power of attorney with signatures of Gurcharan Singh. In order to avoid any complication as to the actual or additional name of defendant No.1, it is imperative, in the interest of justice, to amend the title of the plaint by adding “**Gurcharan Singh**” after the name of defendant No.1. It is also mentioned that father’s name of defendant No.1 and his address has been correctly mentioned in the title of the petition.

8. In reply, defendants pleaded that during the cross-examination, the plaintiff acknowledged the name of the respondent No.1 as Charanjit Singh @ Channi. In para No.2 of the reply, it is also stated that actual name of defendant No.1 is ‘**Gurcharan Singh**’ and not Charanjit Singh @ Channi.
9. In the given facts, in my opinion, the amendment should have been allowed. Indeed, it was by way of clarification. This would have assisted the Court in accurately identifying the parties, litigating before it. Furthermore, amendment would help in drawing correct decree/judgment in the name of the parties concerned, leading to no ambiguity later on. In the reply of the defendants, there is no plea that the proposed amendment would change the nature or cause of action of the suit. While passing the impugned order, the trial Court has also not observed that amendment would change the nature of suit.

10. In view of the aforesaid observation, impugned order stands set-aside.
The application under Order 6 Rule 17 read with Section 151 CPC for amendment of title is allowed.
11. Pending applications, if any, also stands disposed of accordingly.

15.01.2024
Gaurav Sorot

(RITU TAGORE)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No