

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.8314 of 2016 (O&M)

Date of Order:07.02.2024

Surinder Kaur Rana and another**.Petitioners****Versus****Bhupinder Kaur Babbar and others****..Respondents****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL****Present: Mr. Namit Gautam, Advocate
for the petitioners****Dr. Neha Awasthi, Advocate
for respondent no.1.****ANIL KSHETARPAL, J**

1. In this revision petition, filed under Article 227 of the Constitution of India, defendant nos.1 and 2, assail the correctness of the interlocutory order passed by the trial court on 17.09.2016, while allowing the plaintiff to amend the plaint in order to incorporate the relief of partition, separate possession and other ancillary relief.

2. The learned counsel representing the petitioners submits that the trial of the case had made a substantial progress and was at advanced stage, consequently the application was not maintainable.

3. This court has considered the submissions of the learned counsel representing the parties.

4. The plaintiff has only sought a formal amendment in the prayer clause of the plaint in order to seek additional reliefs which would save the courts from multiple litigations. Moreover, proviso to Order VI Rule 17 CPC does not prohibit formal amendments which are necessary for the

adjudication of the case. Reliance in this regard can be placed on the judgment passed by the Supreme Court in *Life Insurance Corporation of India v.Sanjeev Builders Private Limited and Another* 2022 AIR (Supreme Court) 4256.

5. Keeping in view the aforesaid facts and discussion, the revision petition is disposed of accordingly.
6. All the pending miscellaneous applications, if any, are also disposed of.

February 07, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

:YES/NO

Whether reportable

:YES/NO