



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

122

CR-1104-2025

Date of decision: 29.07.2025

SUNIL KUMAR

...Petitioner

Versus

**JEETA RAM (SINCE DECEASED) THROUGH HIS LEGAL HEIRS AND
OTHERS**

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Govind Chauhan, Advocate
for the petitioner.

Mr. Saket Bhandari, Advocate
for respondents No.3 to 5.

HARPREET KAUR JEEWAN, J.

1. Prayer in the present petition under Article 227 of the Constitution of India is for setting aside the order dated 07.02.2025 (Annexure P-8), whereby the Civil Judge (Junior Division), Karnal has dismissed the application filed by the petitioner-plaintiff under Order 6 Rule 17 read with Section 151 CPC and declined the amendment sought in the plaint.

2. Learned counsel for the petitioner contends that by way of filing the application for amendment, no new relief was sought. The family settlement dated 26.01.2007 was already pleaded in the plaint and he has already mentioned in the plaint that after setting aside the decree dated 12.03.2016 passed by the Civil Court, the consequential relief be granted to the petitioner-plaintiff. It is contended



that the petitioner could not specifically seek a relief regarding declaration of ownership and possession.

3. Learned counsel for the petitioner has stated that in case the proposed amendment is allowed, the petitioner would not lead any new evidence. The evidence already led by the petitioner may be treated as an evidence of the petitioner by the trial Court.

4. On the other hand, learned counsel for the respondent contends that suit was filed on 08.01.2018 and issues were framed on 24.05.2022. Both the parties have already concluded their evidence and the matter is fixed for final disposal. At such a belated stage, in case proposed amendment is allowed, it would change the nature of the suit and the claim made by the petitioner would restart the trial, as such, the Civil Judge has rightly dismissed the application.

5. I have heard the aforesaid submissions and perused the paper-book.

6. The petitioner-plaintiff had challenged the legality of the judgment and decree passed in the Civil suit bearing No.107/2015 dated 10.07.2015 and also made prayer in the prayer clause that after declaring the said judgment and decree null and void, plaintiff be granted consequential relief of permanent injunction.

7. As per the copy of the plaint (Annexure P-4), the petitioner-plaintiff in para No.3 has specifically pleaded family settlement dated 26.01.2007 and also pleaded that at the time of family settlement, defendant No.1 had relinquished his ownership and possessory rights in favour of the plaintiff to the extent of 0K-7M. The compromise *inter se* the parties is also pleaded.

8. The petitioner intends to add the following words in the prayer clause of the plaint after the word "right of the plaintiff" and before the word "with



consequential relief" "and the plaintiff be declare as owner in possession of land measuring OK-7M out of OK-18M being 1/601 share out of the total land measuring 540K-18M comprised in Khewat no.6/6, situated in village Koer, Distt. Karnal, on the basis of the family settlement dated 26.01.2007.

9. Keeping in view the earlier pleadings of the plaintiff, this Court is of the considered view that nature of the suit is not going to be changed, in case the petitioner is allowed to seek a specific relief of declaration regarding his ownership.

10. The delay in proceedings can be compensated in terms of costs, therefore, the impugned order which is based merely on the ground that the application has been filed at a belated stage is not liable to stand.

11. As such, the impugned order dated 07.02.2025 (Annexure P-8), passed by the Civil Judge (Junior Division), Karnal is set aside.

12. The application filed by the petitioner-plaintiff under Order 6 Rule 17 read with Section 151 CPC stands allowed subject to payment of Rs.30,000/- costs to the respondents. Costs be paid to the respondents on the next date of hearing before the Civil Judge, Karnal. After taking the amended Plaint on record, the trial Court shall proceed further as per law. However, the petitioner shall not be permitted to lead fresh evidence.

13. Petition is disposed of accordingly.

(HARPREET KAUR JEEWAN)
JUDGE

29.07.2025

P.Bhatt

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