



CR No.4717 of 2019

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

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Civil Revision No.4717 of 2019
Date of decision: November 11th, 2025

Bakhtawar Singh (since deceased) through his LR

.....Petitioner

Versus

Jagir Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. G.S. Brar, Advocate
for the petitioner.

Mr. Sandeep Khunger, Advocate
with Ms. Srishti and Mr. Shehbaz Kanwar, Advocates
for respondent No.1.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition under Article 227 of the Constitution of India for setting aside the impugned order dated 18.05.2019 (Annexure P-11) passed by the learned Civil Judge (Junior Division), Phillaur, vide which the application moved by respondent No.1/plaintiff under Order VI Rule 17 CPC has been allowed.

2. Learned counsel for respondent No.1 has submitted that a perusal of the application (Annexure P-9) would show that in the application under Order VI Rule 17 CPC for amendment filed by the respondent No.1/plaintiff, it had specifically been stated that the boundaries which respondent No.1 now wishes to mention in the head note and in the prayer clause of the plaint by moving application for amendment were the boundaries which were in accordance with the site plan prepared by the



Local Commissioner, who had visited the spot. It is submitted that even the site plan of the defendant Exhibit D15 would show that the boundaries of the suit property, even as per the case of the defendant, were the same as in the site plan of the Local Commissioner and thus, the boundaries which are now sought to be shown as the boundaries of the suit property by the plaintiff by virtue of the amendment are the same as the boundaries shown in Exhibit D15, which is the site plan produced by the defendant. It is submitted that the said facts can also be reaffirmed from the averments made by the defendant in the reply (Annexure P-10) to the application filed under Order VI Rule 17 CPC. It is further submitted that the present suit is a suit for separate possession by way of partition, and in such a suit, it is necessary to clearly identify the property in question so that the rights of the parties can be properly decided and since the amendment sought by the plaintiff is also in consonance with the site plan produced by the defendant, thus, respondent No.1/plaintiff has not been able to comprehend as to why the petitioner wishes to challenge the order allowing the amendment. It is further submitted that the plaintiff has already made a statement before the trial Court that he is not going to lead any evidence and is only going to exhibit the site plan, which has been prepared by the Local Commissioner.

3. Learned counsel for the petitioner/defendant, on the other hand, has submitted that the plea with respect to the site plan produced by plaintiff being wrong had been taken in the written statement itself and thus, the application for amendment should have been moved at an earlier stage. It is submitted that the application was filed after the defence evidence had been



closed and in case the impugned order is to be upheld, then one opportunity should be given to the petitioner/defendant to lead evidence after the said amended plaint is taken on record and the site plan of the Local Commissioner is exhibited.

4. Learned counsel for respondent No.1 has fairly submitted that he has no objection in case the petitioner is given one opportunity to lead evidence with respect to the boundaries of the suit property, if he so wishes to.

5. Keeping in view the abovesaid facts and circumstances and the fair stand taken by learned counsel for the petitioner and the learned counsel for respondent No.1, the present revision petition is disposed of while upholding the order dated 18.05.2019 (Annexure P-11) with the following observations/directions:

- (i) Respondent No.1, as undertaken before the trial Court, would not be permitted to lead any oral evidence and would only simply exhibit the site plan prepared by the Local Commissioner, in case, not already exhibited.
- (ii) The petitioner/defendant would be given one effective opportunity to lead evidence, if he so desires, with respect to the boundaries of the property, in view of the amendment in the head note and the prayer clause of the plaint.

November 11th, 2025
Puneet

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No