



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

CR-7282-2025

DECIDED ON: 29.10.2025

KARANDEEP SINGH

.....PETITIONER

VERSUS

BALBIR SINGH AND ORS

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Ishan Gupta, Advocate and
Ms. Muskan Gupta, Advocate
for the petitioner.

MANDEEP PANNU, J (ORAL)

1. The present revision petition has been filed by the petitioner under Article 227 of the Constitution of India for setting aside the impugned order dated 27.05.2025 passed by the learned Civil Judge (Junior Division), Sangrur, whereby the application filed by the plaintiff–respondent under Order 6 Rule 17 read with Section 151 CPC seeking amendment of the plaint was allowed subject to payment of costs.

2. The brief facts leading to the filing of the present revision petition are that the plaintiff–respondent instituted a suit for possession by way of partition to the extent of half share in a double-storey residential house constructed on land measuring 1 Bigha 17 Biswas out of total land measuring 6 Bighas 17 Biswas comprised in Khasra Nos. 707/393 (2–19–10), 902/394 (0–2), and 908/396 (3–2) situated in village Gehlan, Tehsil and

District Sangrur. It was pleaded that the description of land was based upon the record of Jamabandi for the year 2014–15.

3. The defendants filed their written statement raising objections that all co-sharers of the property had not been impleaded as parties. The plaintiff-respondent subsequently moved an application under Order 1 Rule 10 CPC which was allowed on 18.11.2021, and other co-sharers were impleaded as defendants. Issues were framed on 23.03.2023. The plaintiff examined PW1 and PW2, whose cross-examinations were completed, but thereafter despite several opportunities, the plaintiff failed to conclude the evidence. During the pendency of the evidence, the plaintiff moved an application under Order 6 Rule 17 CPC dated 30.07.2024 seeking amendment of the plaint on the basis of Jamabandi for 2019–20 and Fard Badar No.4 dated 11.04.2022 to incorporate the alleged corrections in Khasra numbers, areas of land and shares of the parties.

4. The defendants opposed the said application contending that the Fard Badar No.4 dated 11.04.2022 had been deliberately concealed by the plaintiff for over two years and that the same was discovered only during the examination of plaintiff's witnesses. It was further alleged that the said Fard Badar was obtained in collusion with revenue authorities and a separate suit for declaration dated 19.09.2024 challenging its validity had already been filed by the defendants. The plaintiff thereafter withdrew the first amendment application dated 30.07.2024 and filed a second application under Order 6 Rule 17 CPC dated 12.11.2024 with the plea that there was a clerical mistake in the earlier one. The second application sought to substitute the Khasra numbers and areas as 908/396 (2–19), 707/393 (0–15), and 909/396/1 (0–13), total measuring 4 Bighas 7 Biswas.

5. The learned trial Court, without adverting to the objections raised by the defendants and without giving any reason as to why such belated amendment was necessary at this advanced stage of trial, allowed the application vide the impugned order dated 27.05.2025 subject to payment of costs of ₹3000/–.

6. Learned counsel for the petitioner has contended that the impugned order is illegal and perverse as the trial Court has failed to appreciate that the amendment sought to be incorporated is based on a disputed Fard Badar which itself is under challenge in a separate declaratory suit. It is further submitted that the plaintiff had full knowledge of the said document for more than two years, and the amendment, if allowed, would completely change the nature of the suit and amount to permitting the plaintiff to fill up lacunae in his case. The learned trial Court also ignored that the property in question already stood partitioned among all co-sharers prior to the filing of the suit, and the amendment would lead to re-litigation of settled issues.

7. No notice is being issued to the respondents as the matter involves a short question of law and can be decided on the basis of the documents available.

8. I have heard learned counsel for the petitioner and have perused the impugned order dated 27.05.2025 as well as the material placed on record.

9. A perusal of the impugned order reveals that the learned trial Court has exercised its discretion judiciously and within the well-recognized parameters of Order 6 Rule 17 CPC. The amendment was sought by the plaintiff not to introduce a new cause of action or to withdraw an admission,

but merely to bring the description of the suit property in line with the subsequent entries in the revenue record, namely, Fard Badar No. 4 dated 11.04.2022 and Jamabandi for the year 2019–20, which came into existence after the filing of the suit. The trial Court has recorded a categorical finding that unless the plaintiff is permitted to amend the plaint in accordance with the subsequent record, the controversy between the parties cannot be effectively adjudicated, as the description of land and shares in the plaint would otherwise remain inconsistent with the prevailing revenue entries.

10. The contention of the petitioner that the said Fard Badar has been procured in connivance with revenue officials and that its legality is under challenge in a separate declaratory suit does not, by itself, constitute a ground for denial of amendment. It is well settled that the pleadings are meant to enable parties to place their version of facts before the Court, and the correctness or otherwise of such pleadings is a matter of evidence. The allowance of amendment does not amount to accepting the truth of the amended facts; rather, it merely enables their adjudication in accordance with law. Therefore, the trial Court has rightly held that no irreparable prejudice would be caused to the defendants by allowing the amendment, especially when the same has been made subject to payment of costs.

11. It is further settled law that the power to allow amendment is discretionary and is to be exercised liberally in furtherance of the cause of justice, particularly when the amendment is necessary for determining the real question in controversy unless serious injustice or prejudice is shown to be caused to the opposite party, amendments which clarify or bring pleadings in consonance with subsequent events ought not to be refused. In the present case, the defendants can always meet the amended pleadings by

way of additional written statement, and any prejudice due to delay has already been compensated by the imposition of costs.

12. In view of the above discussion, this Court finds no illegality, material irregularity, or jurisdictional error in the impugned order passed by the learned trial Court. The order is well reasoned and based on correct appreciation of facts and law. Merely because two views are possible does not justify interference in the revisional jurisdiction under Article 227 of the Constitution of India.

13. Consequently, finding no merit in the present petition, the same stands dismissed.

14. All pending miscellaneous application(s), if any, stands disposed of.

29.10.2025

Poonam Negi

(MANDEEP PANNU)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No