



**CR-7063-2024 (O&M) and
CR-7286-2025 (O&M)**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(207)**

**1. CR-7063-2024 (O&M)
Parhlad Singh and anotherPetitioners**

Versus

Surinder Hara Foundation and othersRespondents

**2. CR-7286-2025 (O&M)
Surinder Hara Foundation and anotherPetitioners**

Versus

Prahlad Singh and othersRespondents

Date of decision: - 10.12.2025

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

**Present:- Mr. Prateek Gupta, Advocate
for the petitioners in CR-7063-2024 and
for respondents No.1 and 2 in CR-7286-2025.**

**Mr. Nisheeth Bhatt, Advocate,
Mr. Ashish Bhatt, Advocate, and
Ms. Sanjana, Advocate,
for respondent Nos.1 to 4 in CR-7063-2024 and
for the petitioners in CR-7286-2025.**

VIKAS BAHL, J. (ORAL)

**1. This order will dispose of above-said two revision petitions
arising from the same suit.**

**2. CR-7063-2024 has been filed by Parhlad Singh and Alawi
Singh, who are plaintiffs in the suit, under Article 227 of the Constitution**



of India for setting aside the impugned order dated 08.11.2024 (Annexure P-8) passed by the Civil Judge (Senior Division), Yamuna Nagar at Jagadhri vide which the application (Annexure P-6) filed by the petitioners/plaintiffs under Order 6 Rule 17 read with Section 151 CPC for amendment of plaint has been dismissed.

3. CR-7286-2025 has been filed by Surinder Hara Foundation and Valerie Jane Hara (defendants No.1 and 2 in the main suit) under Article 227 of the Constitution of India for directions to the trial Court to decide the application dated 15.01.2025 (Annexure P-20) with respect to taking cognizance of the report dated 19.02.2024.

4. In CR-7063-2024, respondents No.1 to 4 are duly represented and none has appeared on behalf of respondents No.5 and 6(a) in spite of due service. In CR-7286-2025, respondents No.1 and 2 are duly represented and none has appeared on behalf of respondents No.3 and 4 in spite of due service.

CR-7063-2024

5. Learned counsel for the petitioners has submitted that the petitioners had filed a suit for declaration in which several prayers including the prayer for mandatory injunction directing the defendants No.1 to 4 to hand over peaceful possession of the suit property was made. It is submitted that the said suit was filed in the year 2014 and as per the case of the plaintiffs, the peaceful possession of the property in question was to be handed over to the plaintiffs on 01.01.2021 as per the Will relied upon by the plaintiffs. It is argued that since the cause of



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action had arisen during the pendency of the suit, thus, the application for amendment was filed, which application has been illegally dismissed by the trial Court vide the impugned order dated 08.11.2024 (Annexure P-8). It is further argued that the delay in the proceedings is primarily prejudicing the plaintiffs, as it is the plaintiffs suit for mandatory injunction and possession.

6. Learned counsel for respondents No.1 to 4 in CR-7063-2024, on the other hand, has submitted that in the present case, several pleas which have been made in the application for amendment have already been adjudicated earlier and the plaintiffs are estopped from raising the said pleas due to the principle of constructive res judicata. It is further submitted that in case the said amendment is allowed, then, respondents No.1 to 4 be permitted to raise all the objections in the amended written statement and allowing of the amendment should not be construed as an expression that the pleas raised by the plaintiffs are meritorious and deserved to be allowed. It is argued that the trial Court in the said circumstances be directed to consider all the pleas, including the pleas raised in the amended pleadings, on the basis of the evidence and documents on record and after hearing all the parties concerned at the stage of final adjudication.

7. Keeping in view the above-said facts and circumstances and the fair stand taken on behalf of the petitioners as well as the contesting respondents No.1 to 4, CR-7063-2024 is partly allowed and the impugned order dated 08.11.2024 (Annexure P-8) is set aside with the following



observations/directions: -

- (i) It would be open to the defendants No.1 to 4 and other contesting defendants to file the amendment written statement within a period of one month from today. It would also be open to the defendants/respondents to raise all pleas which are available to them in the amended written statement with respect to the amended pleas now sought to be incorporated in the amended plaint and it would be open to the trial Court to frame any additional issue after considering the amended pleadings and the same would be done as expeditiously as possible.
- (ii) The allowing of the said application of amendment should not be construed as an expression on the merits of the application and the trial Court would decide all issues after taking into consideration the amended pleadings, evidence and documents on record, independently and after hearing all the parties concerned.

CR-7286-2025

8. Learned counsel for the petitioners has submitted that in the present case, initially an injunction order was passed in favour of the plaintiffs and subsequently an application was filed by the present petitioners seeking permission to harvest poplar trees from the suit property, which application was disposed of vide order dated 27.07.2023 (Annexure P-18). It is submitted that thereafter, the report of the Local



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Commissioner dated 19.02.2024 (Annexure P-19) was filed by the Range Forest Officer Jagadhri and on 15.01.2025 the petitioners had moved an application (Annexure P-20) for expeditiously taking cognizance of the report of the Local Commissioner dated 19.02.2024. It is submitted that in the said application, it was stated that the standing timber crop was perishing and losing its worth and thus, the same would cause grave loss to the present petitioners. It had also been stated in the said application that the proceeds from the sale of trees would be deposited before the trial Court. It is stated that although thereafter the contesting respondents had filed their reply on 05.02.2025 yet the said application has not been decided till date and the case is now pending for 23.12.2025. It is submitted that the trial Court be directed to decide the said application in a time bound manner and the petitioners would be ready to argue the said application on 23.12.2025 or any other date which the trial Court would direct the counsel for the petitioners to argue.

9. Learned counsel for the contesting respondents, on the other hand, has submitted that the plaintiffs in their reply have raised several objections and the reply/objections of the plaintiffs be also considered while deciding the said application.

10. Keeping in view the above-said facts and circumstances, more so, the fact that the application dated 15.01.2025 (Annexure P-20) has been pending for the last more than 10 months and also on account of the fact that it has been pointed out on behalf of the petitioners that the timber crop is perishing and losing its value, thus, the present revision



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petition is disposed of with a request to the trial Court to decide the application dated 15.01.2025 (Annexure P-20) as expeditiously as possible and in any case prior to 31.01.2026.

11. Counsel appearing for all the parties concerned are requested to fully assist the Court in the expeditious disposal of the said application and are further requested to be prepared to argue the said application on 23.12.2025 or any other date which the trial Court would direct them to argue the said application.

12. It is made clear that this Court has not opined on the merits of the said application and the same would be decided by the trial Court independently, in accordance with law.

13. Pending application(s), if any, stand disposed of the above-said order.

December 10, 2025
naresh.k

**(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?	Yes
Whether reportable?	No