



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

CR-7379-2024 (O&M)

Date of decision : 18.03.2025

Raj Rani

...Petitioner

Vs.

Pritpal Singh and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

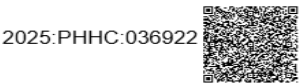
Present: Mr. Gurcharan Dass, Advocate
for the petitioner.

Mr. H.S. Rakhra, Advocate
Ms. Gurvinder Kaur, Advocate
for respondent No.1.

Mr. Sanjeev Kumar Bawa, Advocate
for respondent No.2.

ANIL KSHETARPAL, J. (Oral)

1. The petitioner has filed a suit for decree for permanent injunction restraining the defendants from dispossessing her from a residential house. She is the daughter of late Sh. Balwant Singh, who died on 13.03.2021. It is the case of the petitioner that she was married but abandoned by her husband. Hence, she settled with her parents in the house in question. The defendants are his brother and sister. While filing the written statement, defendant No.1 disclosed that the sale deed of the house is registered in favour of his two sons, namely, Sh. Arshdeep Singh and Sh. Indervir Singh. The plaintiff filed an application for permission to amend the plaint in order to seek decree of declaration with regard to the aforesaid sale deed. It is asserted by the petitioner that 05 marlas plot was purchased by Sh. Balwant Singh vide



agreement to sell dated 10.11.2000, on which the house was constructed and she alongwith her parents started residing. The trial Court has dismissed the application on the ground that if the amendment is allowed, it will amount to changing of the nature of the suit.

2. Heard the learned counsel representing the parties at length and with their able assistance perused the paper-book.

3. In this case, defendant No.1 has for the first time disclosed in the written statement that the sale deed has been registered in favour of his two sons. Hence, the amendment to the plaint became necessary. The petitioner has filed a suit for grant of decree of permanent injunction with regard to the house in question. She wants to add another relief, namely, decree of declaration. She also wants to implead Sh. Arshdeep Singh and Sh. Indervir Singh as defendants.

4. The trial Court has erred in dismissing the application on the ground that it will change the nature of the suit. The change of relief in the suit does not amount to change of nature of the suit. The suit is with respect to the house in question. Even after amendment the suit would remain qua the house in question. Moreover, it will avoid multiplicity of the litigation.

5. Hence, the revision petition is allowed. The impugned order passed on 14.11.2024 is set aside. The plaintiff is permitted to amend the plaint.

6. All the pending miscellaneous applications, if any, are also disposed of.

		(ANIL KSHETARPAL)	
		JUDGE	
18.03.2025	Whether speaking/reasoned :	Yes	No
neeraj	Whether Reportable :	Yes	No