



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

CR-2448-2018 (O&M)
Date of Decision: April 29, 2026

Shameshwar Singh @ Shamsher Singh

...Petitioner

Versus

Sandeep Singh

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Ms. Vaishali, Advocate for
Mr. Vivek K. Thakur, Advocate
for the petitioner.

Mr. Jagjit Singla, Advocate
for the respondent.

ARCHANA PURI, J.

Challenge in the present revision petition is to the order dated 02.02.2018 passed by learned trial Court, whereby, an application under Order 6 Rule 17 CPC, filed at the instance of the petitioner-plaintiff, was dismissed.

In pursuance of the notice issued by the Court, the respondent made appearance through counsel.

Counsel for the parties heard.

The essential facts, to be noticed, are as follows:-

That, the petitioner-plaintiff filed a suit against the respondent-



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defendant, thereby, seeking declaration to the effect that he is owner in possession of the land measuring 2 Marla, over which a shed has been constructed by the petitioner-plaintiff recently, comprising in Khewat/Khatauni No.367/489, 490,Khasra No.2229/2/3-17, 2234/6-7, 2229/1/0-6, having 2/210 share situated in Kapurthala Sharki, Teshil and District Kapurthala, as per jamabandi for the year 2005-06.

Besides the same, he also sought permanent injunction to restrain the respondent-defendant from interfering or taking forcible possession of the property in question.

Written statement was filed.

During the pendency of the case, an application under Order 6 Rule 17 CPC was filed by the petitioner-plaintiff for seeking amendment of the plaint. Therein, it was asserted that the father's name of defendant is 'Naranjan Singh' and not 'Narain Singh' and word 'Narain' is to be replaced by 'Naranjan'. Besides the same, also it was asserted that the plaintiff want to give the boundaries of the suit property as under:-

*“East : Open Plot of Baldev Singh
West: Factory area of Sandeep Singh defendant
North: Street
South: Factory area of Sandeep Singh defendant
As per the site plan enclosed.”*

Also, it was asserted that the defendant taking undue advantage of the fact that no ad interim injunction had been granted against him, with ulterior motive, has taken the forcible possession of the land in dispute, during the pendency of the suit and therefore, he wants to mould his prayer and to seek



relief, which reads as herein given:-

“AND Suit for possession of the abovesaid land in dispute after removal of the construction illegally raised by the defendant, may also be granted in favour of the plaintiff and against the defendant”

Similarly, also sought addition of paragraph No.5A, in the body of the plaint, which is reproduced hereunder:-

“5A. That the defendant taking undue advantage of the fact that no ad interim injunction has been-granted-against him, with ulterior motive has taken forcible possession of the land in dispute during the pendency of the present suit by amalgamating the same with his own land, for which the defendant has got no right, as such he is required to return the possession of the same to the plaintiff. The defendant has also wrongly and illegally encroached the land by raising boundary wall and has placed cement sheets over the same with the help of iron bars and thereby amalgamated the same in his own factory area.”

Then, further sought addition, at the end of the existing para No.8 was sought, to the effect, which reads as herein given:-

“That the value of the suit for the purpose of court fee and jurisdiction for the relief of possession is 30 times of the land revenue and for the purpose of court fee is Rs 10 time of land revenue, which a court fee of 50/- is payable.”

And ultimately, also sought addition of relief clause, which is reproduced as under:-

“It is prayed that the decree for possession of the abovesaid land in dispute after removal of the construction illegally



raised by the defendant, may also be granted in favour of the plaintiff and against the defendant.”

Further, it was also asserted that the proposed amendment is necessary and important and will not change the nature of the suit.

However in the reply, the respondent-defendant had resisted the amendment of the plaint. In fact, the plea taken was that the petitioner-plaintiff has wrongly given the name of father of the defendant as ‘Narain Singh.’ Even, the boundaries cannot be allowed to be inserted in the present suit as he has not placed any document of title, showing his land with the said boundaries, nor he had relied upon any demarcation report etc. In fact, the petitioner-plaintiff wants to make new addition of the relief, in the plaint already filed, which will change the nature of the suit.

After hearing counsel for the parties, vide impugned order, learned trial Court had partly allowed the application, with regard to change of name from ‘Narain Singh’ to ‘Naranjan Singh’, but however, dismissed the application qua other proposed amendment.

A close perusal of the plaint already filed, copy whereof is Annexure P-1 reveals that the petitioner-plaintiff asserts himself to be owner in possession of the land measuring 2 Marla, over which, a shed has been constructed. He is asserting about his ownership to the extent of 2/210 share in the land, as detailed in the headnote of the plaint. However therein, in no manner, the particulars of 2 Marla land owned and possessed by him was ever given in the plaint. It was only in pursuance of the written statement, wherein, the respondent-defendant asserted himself to be owner in possession to the extent of 0 Kanal 6 Marla, as per the sale deed dated



07.06.2005, registered on 08.06.2005, thereby, giving the particulars of the purchased land, that the application, as such, has been filed for seeking amendment of the plaint.

Even, the amendment sought is quite vague. Now, addition is sought to be made, with regard to the boundaries of the suit property, but however, nothing, as such, is asserted in the application or in the original plaint also, about the manner in which, the petitioner-plaintiff asserts himself to be owner in possession of the suit property.

Not only this, even the plea that forcible possession was taken over by the respondent-defendant, during the pendency of the suit, is quite vague. No particulars, as such, have been mentioned, either in the application for seeking amendment of the plaint or in the proposed amendment, as to when and how the forcible possession, as such, was taken.

In the light of the same, the amendment sought is quite vague and learned trial Court, in this context correctly had disallowed this amendment. Thus, the impugned order calls for no interference, as partly it has been correctly allowed with regard to the change of father’s name of the defendant.

Hence, the revision petition sans merit and is hereby dismissed.

April 29, 2026
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No