



CR No.6650 of 2016 (O&M)

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

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Civil Revision No.6650 of 2016 (O&M)
Date of decision: February 4th, 2026

Santosh Kumari

.....Petitioner

Versus

Har Kishan and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sumeet Jain, Advocate
for the petitioner.

Mr. Parveen Kumar, Advocate
for Mr. Abhimanyu Singh, Advocate
for respondent No.3.

VIKAS BAHL, J. (ORAL)

1. This is a civil revision petition under Article 227 of the Constitution of India for quashing the order dated 09.09.2016 passed by Additional Civil Judge (Senior Division), Mewat, vide which the application under Order VI Rule 17 CPC as well as the application under Order I Rule 10 CPC filed by the petitioner have been dismissed.

2. On 03.10.2016, a coordinate Bench of this Court was pleased to pass the following order:

*“Present: Mr. Pankaj Jain, Advocate
for the petitioner.

The counsel for the petitioner confines his prayer for amendment of the plaint and impleadment of Ayyub Khan but does not press the prayer at this stage, in view of the settled law, regarding the impleadment of the legal representatives of Lekh Raj.



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Notice of motion for 06.12.2016.

Dasti notice also permitted.

Notice through the counsel appearing for the respondents before the Court below is also permitted.

In the meantime, the petitioner-plaintiff is permitted to lead evidence in terms of the proposed amendment.

October 03, 2016”

3. Learned counsel for the petitioner has submitted that in pursuance of the same, the petitioner has already led the evidence in terms of the amendment which the petitioner wanted to make. It is submitted that in the said circumstances, the application for amendment be allowed.

4. Learned counsel for respondent No.3 has submitted that the petitioner had given up the prayer for the impleadment with respect to LRs of Lekh Raj in view of the settled law at the stage of notice of motion and the said part of the amendment sought cannot be allowed. It is further submitted that since the entire evidence has already been led by the parties, thus the impleadment of Ayyub Khan can also not be allowed as the same would lead to a *de novo* trial. It is submitted that for the delay in filing of the application with respect to the other part of the amendment, some cost should be imposed on the petitioner.

5. Learned counsel for the petitioner has fairly submitted that in view of the objection raised by the counsel for the respondent No.3, petitioner would not press the amendment with respect to impleadment of Ayyub Khan as well as for impleadment of LRs of Lekh Raj in view of the settled law and is also ready to pay cost.



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6. Keeping in view the abovesaid facts and circumstances and the fair stand taken by the counsel for the petitioner as well as counsel for respondent No.3 on the basis of consensus, the present revision petition is partly allowed and the impugned order dated 09.09.2016 is set aside with the following observations/directions:

- (i) The application for amendment (Annexure P-3) would be allowed except with respect to the amendment sought for impleading Ayyub Khan son of Kamlu as defendant No.3 and also for bringing on record the LRs of deceased Lekh Raj in view of the settled law. The petitioner would deposit an amount of ₹15,000/- as cost within a period of two weeks from today which would be released to respondent No.3 as respondents No.1 and 2 are *ex parte*. It is made clear that in case the said amount is not deposited, then the present revision petition would be deemed to have been dismissed. It is made clear that this Court has not opined on the merits of the amendment application and it would be open to the parties to raise all pleas in accordance with law which would be considered by the trial Court independently at the time of final adjudication.

February 4th, 2026
Puneet

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No