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

CR-773-2024 (O&M)**Date of decision: 11.02.2026****DERA BHOREWALA SUKHANAND AND ORS.****..Petitioners****Versus****KULWANT SINGH****..Respondent****CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Abhinav Jain, Advocate
for the petitioners.

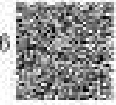
Mr. N.K. Manchanda, Advocate
for the respondent.

SUDEEPTI SHARMA, J. (Oral)

1. The present revision petition is filed for setting aside order dated 02.01.2024 passed by learned Additional Civil Judge (Senior Division), Baghapurana, whereby, application under Order VI Rule 17 of the Code of Civil Procedure, 1908 (in short 'CPC') filed by the petitioner for amendment of plaint was dismissed.

2. Learned counsel for the petitioner contends that learned Additional Civil Judge (Senior Division), Baghapurana has wrongly dismissed the application filed by the petitioner on the ground that this application is filed after the commencement of the trial. He, therefore, prays that the present petition be allowed.

3. Per contra, learned counsel for respondent contends that the application was filed after the closing of evidence of the petitioner and learned Additional Civil Judge (Senior Division), Baghapurana has rightly



dismissed the application filed by the petitioner. He, therefore, prays that the present petition be dismissed.

4. I have heard learned counsel for the parties and perused the whole file with their able assistance.

5. A perusal of the file shows that petitioner filed civil suit for declaration to the effect that petitioner No.2 is the Mahant of Dera Bhorewala and is entitled to manage the *Dera* and its properties detailed in the civil suit.

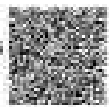
6. A perusal of the application filed by the petitioner under Order VI Rule 17 of the CPC shows that vide this application, the petitioner wanted to add the following relief:-

“OR In the alternative, suit for possession/joint possession of the properties/lands detailed above.”

7. And further addition in para 11(a) by replacing para 16 of the plaint:-

“11(A). That if this Hon'ble Court comes to the conclusion that the plaintiff is not in possession of the suit properties/lands mentioned above, then the plaintiff claims the relief of possession/joint possession of the suit properties/lands.”

8. A perusal of the application filed under Order VI Rule 17 of the CPC shows that the amendment is sought on the ground that respondent-defendant took the plea that petitioners-plaintiffs are not in possession of the suit lands. Further that civil suit was filed for declaration to the effect that petitioner No.2 is the Mahant of Dera Bhorewala and the amendment sought for is to add the relief for possession/joint possession of the properties/lands



detailed in the civil suit, which would altogether change the nature of the suit.

9. The petitioner could not show anything that despite due diligence they could not add the relief in the main civil suit.

10. Therefore, I do not find any infirmity in order dated 02.01.2024 passed by learned Additional Civil Judge (Senior Division), Baghapurana, which is well reasoned, the same is hereby affirmed.

11. Consequently, the present petition is dismissed.

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

February 11th, 2026

Ayub/Saahil

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No