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

**126** **CR-1994-2026 (O&M)**
**Date of decision: 11.03.2026**

**Gram Panchayat (now superseded)**
**Municipal Corporation, Manesar, Gurugram**
**...Petitioner(s)**

**Vs.**

**Sonu alias Sunil** **...Respondent(s)**

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Apoorv Garg, Advocate for the petitioner.

Mr. Aashish Chopra, Senior Advocate with
Mr. Arpit Dwivedi, Ms. Rupa Pathania,
and Ms. Nimisha Pathak, Advocates
for the respondent.

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**NIDHI GUPTA, J.**

Present Civil Revision Petition under Article 227 of Constitution of India read with Section 151 CPC has been filed by the defendant laying challenge to the order dated 20.01.2026 (Annexure P-1) passed by the learned Civil Judge (Senior Division), Gurugram; whereby application of the respondent/plaintiff filed under Order 6 Rule 17 CPC for amendment of plaint, has been allowed.

2. It is *inter alia* submitted by learned counsel for the petitioner that suit was filed by the respondent/plaintiff as far back as on 03.05.2018. Thereafter, after the conclusion of evidence and filing of written arguments, respondent had moved application dated 23.09.2025

(Annexure P-5) for amendment of the plaint. Learned counsel for the petitioner contends that therefore, respondent is seeking to amend the plaint in 2025 i.e. 7 years after filing of the suit on 03.05.2018. It is pointed out that subsequently, the respondent had moved another application dated 25.09.2025 (Annexure P-7) under Order 23 Rules 1 and 3 read with Section 151 CPC for withdrawal of the suit; which came to be dismissed vide order dated 30.09.2025 (Annexure P-9). It is submitted that during the pendency of the first application for amendment, respondent has again filed instant/second application dated 27.11.2025 (Annexure P-11) for amendment of the plaint. It is submitted that having regard to the advance stage of the proceedings on which amendment had been sought, the learned Trial Court was statutorily bound to record a specific satisfaction that despite exercise of due diligence, plaintiff was unable to raise the proposed amendments prior to commencement of trial as mandated by the proviso of Order VI Rule 17 CPC. It is submitted that however in the present case, a perusal of the instant application (Annexure P-11) shows that in para 3 thereof, the respondent himself has admitted that "*As such, it becomes necessary to file the Fresh Application under Order 6 Rule 17 CPC pleading complete facts and circumstances which have become available and known after filing of the earlier plaint in year 2018, and at the same time, the earlier application is not being pressed in view of the present fresh application*." Learned counsel contends that in such a situation and in view of the above admission of the respondent, amendment could not have been permitted.

3. It is further submitted that a perusal of the proposed amendment reveals that the facts sought to be introduced, pertain to proceedings and events which have admittedly taken place prior to the initiation of the suit. Moreover, by way of proposed amendment, the plaintiff is virtually seeking to rewrite para No. 7 of the plaint and consequential amendment in the prayer clause, mainly to incorporate detailed chronological sequence of revenue entries, mutations,, consolidation proceedings, judicial orders, notification, writ petitions and their final outcome including the latest judgment of Hon'ble Supreme Court dated 16.09.2025 in Civil Appeal No.6990/2014 (Government of Haryana vs. Jai Singh and Ors.), which were well within the knowledge long before filing of his suit. It is further submitted that amendment application has been filed at a highly belated stage after conclusion of evidence and when the matter has already reached at the stage of final arguments and have also been partly heard. It is pointed out that previous amendment application, and even application for withdrawal of the suit with liberty under Order 23 Rules 1 and 3 CPC have been dismissed. It is contended that therefore, the present amendment goes totally against proviso of the provision; and is against the very tenets of law and cannot be permitted as per established legal position. It is accordingly prayed that present Revision Petition be allowed; and impugned order be set aside.

4. *Per contra,* learned Senior Counsel for the plaintiff submits that the proposed amendment merely elaborates the facts as already stated in the plaint. It is submitted that amendment does not introduce any new cause of action nor does it withdraw any admission; and does not introduce a completely new cause of action; and does not alter the nature or character of the suit. It is submitted that prayer of the plaintiff still remains the same for seeking a declaration of ownership alongwith correction of entries in injunction. Even no new party is added to the suit.

5. Learned Senior Counsel further submits that the proposed amendment has been necessitated also on account of the fact that by way of a recent judgment dated 16.09.2025 passed by Hon'ble Supreme Court, a previous Full Bench decision dated 13.03.2003 was upheld; whereby it is held that the land which is never utilized for common purpose belongs to the proprietors of the village and not to the Gram Panchayat. Learned Senior Counsel contends that the said pronouncement of law has a material bearing on the issue at hand in the suit and is, therefore, necessary to be brought on record.

6. Learned Senior Counsel further points out that although the suit was filed as far back as in 2018 however, the dispute at hand concerns century old revenue entries starting from Jamabandi from the year 1902-1903; illegal change of land to shamlat deh; notification dated 1992 issued under the Punjab Village Common Land Regulation Act (Regulation) Amendment Notification of 1992; Full Bench judgment of

the High Court dated 13.03.2003 setting aside the aforesaid Notification of 1992; subsequent mutations; consolidation scheme of 2009; illegal mutation of 2011; and then the judgment of Hon'ble Supreme Court dated 16.09.2025 which shall clinch the entire issue. Learned Senior Counsel submits that the above said material is very essential for the proper adjudication of the matter. Moreover, provision of Order VI Rule 17 CPC itself contemplates that application for amendment can be filed "at any stage" of the trial.

7. It is further pointed out that against the dismissal of the respondent's application under Order 23 Rules 1 and 3 CPC, the respondent has preferred CR-7943-2025, which had been dismissed by this Court vide order dated 06.11.2025 (Annexure P-10). However, in the said case, liberty had been granted to the respondent to file fresh application under Order VI Rule 17 CPC. It is further pointed out that while passing the impugned order, stringent cost has been imposed upon the plaintiff. It is contended that therefore, impugned order suffers from no error and present Revision Petition deserves to be dismissed.

8. No other argument is raised on behalf of the parties. I have heard learned counsel and perused the case file in great detail. I find merit in the submissions advanced on behalf of learned Senior Counsel for the plaintiff/respondent.

9. Learned counsel for the petitioner has not been able to dispute that for the proper adjudication of the controversy at hand, the old revenue entries going back to 1902-1903 and 1906-1907 i.e.

convoluted revenue record over almost a century ago; several mutations over several decades; as also consolidation proceedings which had taken place in the interregnum, are required to be considered. It is also not disputed that the changing nature of law as it has evolved to its present state, has a bearing on the issue at hand; and therefore, the recent judgment of Hon'ble Supreme Court dated 16.09.2025 is required to be considered by the learned trial court.

10. No doubt the suit is of the year 2018 and evidence of the parties stood concluded; and matter was at the stage of final arguments. However, the provision itself provides that amendment can be sought at any stage of the trial for proper adjudication of the dispute at hand. It is not the case of the petitioner that amendments sought to be wrought by the respondent are extraneous to, or have no bearing to the issue at hand.

11. It has also been contended on behalf of the respondent that liberty had been granted by this Court to file amended application. However, the said submission is not wholly accurate as, vide order dated 06.11.2025, this Court, while dismissing the Revision Petition No.7943-2025 had merely observed as follows: -

> *"9. In view of the discussion above, the present Civil Revision Petition is,* ***dismissed.*** *However, in case the petitioner files any fresh application under Order VI Rule 17 CPC in accordance with law, the learned Trial Court be not influenced with any observations that may have been recorded in the impugned*

*order while deciding such fresh application proposed to be filed by the petitioner."*

12. Nonetheless, in view of the above discussion, and also in view of the fact that a perusal of the impugned order shows that the Trial Court has considered every aspect of the matter in minute detail, the impugned order does not call for any interference. The relevant observations of the learned trial court in the impugned order are as follows: -

*"10. Despite the above chequered history, this Court is of the considered view that the present case presents very peculiar and exceptional facts and circumstances which compel the Court to exercise discretion in favour of allowing the amendment, though with very heavy costs, for the following reasons:*

*10.1 The litigation revolves around extremely old revenue entries going back to 1902-03 & 1906-07, multiple mutations spread over more than a century, consolidation proceedings of 2009, several layers of revenue orders, notifications/amendments of 1992, Full Bench judgment of 2003, implementation/non-implementation of the same, Mutation 1090 of 2011 (the fulcrum of present controversy), and finally the latest authoritative pronouncement by the Hon'ble Supreme Court on 16.09.2025 interpreting the core legal position regarding shamlat deh land vis-à-vis proprietors' land which has admittedly never been used for common purpose.*

*10.2 The proposed amendment basically seeks to bring on record the complete chain of events and correct legal effect* *of various judicial orders and revenue actions which were only partially or incorrectly pleaded in the original plaint.*

*10.3 Most importantly, the proposed amendment does not seek to withdraw any admission, does not introduce a completely new cause of action, does not change the nature and character of the suit (still declaration of ownership alongwith correction of revenue entries and permanent injunction), and does not seek to add any new party.*

*10.4 The latest Hon'ble Supreme Court judgment dated 16.09.2025 is a very material subsequent development in the same legal field which has direct bearing on the controversy involved in this suit. Ignoring the same may result in miscarriage of justice.*

*10.5 The consolidation scheme of 2009 and the specific findings therein regarding nature of land and non-reservation for common purpose also constitute very vital documentary material which ought to be considered for just decision.*

*10.6 While the delay is inordinate and the stage is very advanced, the peculiar nature of the controversy involving century-old revenue entries and multiple layers of judicial and revenue proceedings makes it difficult for an ordinary litigant (especially from rural background) to plead the complete and accurate chain in the first instance in the year 2018.*

*XXX.................................*

*XXX...................................*

*13. In view of the above very exceptional facts and circumstances of this particular case, the amendment is allowed subject to the following extremely stringent conditions/costs:*

*13.1 The plaintiff shall pay exemplary cost of ₹50,000/- to the defendant - Municipal Corporation, Manesar on or before the* *next date of hearing. The amount shall be deposited by the plaintiff directly in the account of Municipal Corporation, Manesar and compliance affidavit shall be filed on the next date of hearing.*

*13.2 The plaintiff shall further pay cost of ₹25,000/- in the District Legal Services Authority (DLSA), Gurugram on or before the next date of hearing towards legal aid/justice delivery fund. Compliance be reported in the date fixed.*

*13.3 Since the defendant is being represented by a private counsel (and not by government pleader panel), the defendant shall be at liberty to file complete bill(s)/invoice(s)/receipt(s) showing professional fees actually paid by it to its counsel(s) from the date of institution of suit till date, supported by affidavit of the authorized officer of Municipal Corporation. Upon filing of such bills/invoices/receipts on the next date, the plaintiff shall be further liable to pay the entire amount shown in such bills/invoices as additional cost to the defendant in the second date of hearing fixed as per schedule.* ***The amount so paid shall also be treated as costs imposed in this application.***

*13.4 Subject to strict compliance with the aforesaid costs, the amended plaint be filed on the next date of hearing. Only one Opportunity shall be provided for this purpose.*

*13.5 The defendant is at liberty to file additional written statement, if any, after receipt of compliance of costs, dealing specifically with the newly incorporated pleadings/documents."*

13. In view of the above, I am not inclined to interfere in the impugned order. The present Civil Revision Petition is **dismissed**.

14. Pending application(s), if any, also stand(s) disposed of.

**11.03.2026** **(NIDHI GUPTA)**
Divyanshi **JUDGE**

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