

2026:PHHC:050812



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

**126**

**CR-2873-2026**

**Date of decision :02.04.2026**

**NIRANJAN SINGH AND ANR**

**... PETITIONERS**

**VERSUS**

**BALWINDER SINGH**

**...RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Mr. Vivek Salathia, Advocate  
for the petitioners.

\*\*\*\*

**PARMOD GOYAL, J. (ORAL)**

1. The present revision petition has been preferred by the petitioners—defendants under Article 227 of the Constitution of India for setting aside the impugned order dated 04.02.2026 (Annexure P-8), passed by the Civil Judge (Junior Division), Jalandhar, whereby the application under Order VI Rule 17 CPC, 1908 for amendment of the plaint, filed by the respondent—plaintiff, has been allowed.

2. It is the case of the petitioners—defendants that, vide impugned order dated 04.02.2026, the respondent—plaintiff has been permitted to set up an entirely new case, which is not permissible in law. It is contended that the amendment so allowed is legally impermissible and travels beyond the scope of the original pleadings.

3. Learned counsel for the petitioners—defendants has referred to page No. 17 of the paper book, wherein the relief originally sought by the respondent—

plaintiff against the petitioners–defendants in the suit is duly mentioned. He has further referred to page No. 42 of the paper book, which contains the amendment sought by the respondent–plaintiff by way of insertion of para No. 5-A. In order to appreciate the arguments raised and to determine whether the impugned order dated 04.02.2026 is erroneous in law and permits the respondent–plaintiff to set up a new case or cause of action, it would be appropriate to reproduce the headnote of the plaint filed by the respondent–plaintiff:

*“Suit for declaration to the effect that the plaintiff is the exclusive owner in possession of the property shown red in the site plan situated in the Revenue Estate of Village Chak Hussaian Lama Pind Jalandhar measuring 02 kanal and 5.25 marlas each marla of 207 square feet comprised in khatta no.1686/1/1993 to 1996, 1686/1/1993 to 1996, 1682/1997 khasra no.860, 860/1,860/2,860/3 and 782 and bounded as:-*

*East: Road*

*West: Property of others*

*North: Property of Avtar Singh*

*South: Gali.*

*And that the deed dated 20.01.2023 executed by defendant no.1 in favour of the defendant no.2 for transferring the ownership rights in the property as detailed above is void ab initio and does not affect the rights of the plaintiff in the above said property.”*

4. It would also be necessary to notice the nature of the amendment sought by the respondent–plaintiff. Accordingly, the amendment sought by the respondent–plaintiff by way of insertion of para No. 5-A in the original plaint is also reproduced hereunder:

*"5-A:-That the alleged transfer deed, has been created clandestinely between the defendants in order to usurp the land measuring 2 Kanal 5.25 Marlas of which the plaintiff is the*

*absolutely owner in possession. In fact, the land in respect of which the alleged transfer deed has been executed is situate at a different place and the defendants are falsely alleging that the land in question, is comprised in the Khasra numbers mentioned in the transfer deed. Therefore, the alleged transfer deed does not in any manner relates to the suit property."*

5. Perusal of the original plaint clearly shows that the respondent–plaintiff had sought a declaration claiming himself to be the owner in possession of land measuring 02 kanal and 5.25 marlas comprised in the aforesaid khewat/khatta and khasra numbers, as detailed above. The plaintiff had also challenged the transfer deed dated 20.01.2023 executed by defendant No. 1 in favour of defendant No. 2 (petitioners herein), seeking a declaration that the same is void ab initio and does not affect his rights in the suit property. Reading of para No. 5-A, reproduced above, demonstrates that the respondent–plaintiff, by way of the present amendment, is only elaborating and strengthening his challenge to the said transfer deed by introducing an additional ground, namely, that the property described in the transfer deed is not the suit property and has been wrongly linked with the khasra numbers owned by the plaintiff.

6. From the nature of the amendment, it is evident that the respondent–plaintiff is not setting up a new case but is merely adding an additional ground in support of his existing challenge to the transfer deed. Such an amendment cannot be said to change the nature of the suit, particularly when the matter is still at an initial stage and the evidence of the plaintiff is yet to be led.

7. The learned Court below has rightly observed that no prejudice would be caused to the petitioners–defendants by allowing the amendment at this stage, as they would have the opportunity to file an amended written

statement, controvert the averments made in the amended plaint, and lead evidence in support of their case, including justification for the transfer deed.

8. In view of the above discussion, this Court finds no illegality or infirmity in the impugned order dated 04.02.2026. The present revision petition, being devoid of merit, is accordingly dismissed.

9. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

02.04.2026  
manoj

(PARMOD GOYAL)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes    |
| Whether reportable        | Yes/No |