



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

(126)

CR-3095-2026 (O&M)
Date of Decision: **09.04.2026**

LUXMI DEVI

... Petitioner

Versus

HARSH JYOTI AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Saurab Arora, Advocate
(**Legal Aid Counsel**), for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. The present civil revision petition has been instituted by the petitioner under Article 227 of the Constitution of India, invoking the supervisory jurisdiction of this Court, for setting aside the order dated 24.11.2025 passed by the learned Civil Judge, Moga, whereby the application preferred by the petitioner for amendment of the plaint came to be dismissed.

2. Comprehensive in scope, the petitioner-plaintiff instituted a civil suit seeking possession of the suit property along with a decree of permanent injunction restraining the defendants from transferring possession thereof to any third party. The claim was founded on the assertion that the petitioner is the owner of the suit property and that defendant No.1 is her daughter. It was pleaded that the petitioner had executed a transfer deed dated 24.02.2016 in favour of defendant No.1



with the expectation that the latter would take care of her; however, defendant No.1 allegedly began to misbehave with the petitioner and ultimately dispossessed her forcibly.

2.1 It was further averred that the petitioner approached the Presiding Officer, Senior Citizen Tribunal, Moga, seeking cancellation of the aforesaid transfer deed. Vide interim order dated 09.09.2020, a direction was issued that one room, a washroom, a kitchen, and a sum of ₹1,000/- be provided to the petitioner by way of maintenance; however, the said order was allegedly not complied with by defendant No.1. Subsequently, vide order dated 23.03.2021, the transfer deed executed in favour of defendant No.1 was cancelled.

2.2 It was also alleged that defendant No.1, with an ulterior motive to deprive the petitioner of her ownership rights, further transferred the suit property vide document No.4179 dated 01.01.2020, which is asserted to be illegal, null and void. Hence, the suit came to be filed.

3. During the pendency of the suit, the petitioner–plaintiff moved an application seeking amendment of the plaint. By way of the proposed amendment, the petitioner sought to plead that she is the owner of 1/4th share in the suit property and intended to convert the nature of the suit from one for possession to one for partition of her alleged 1/4th share. It was further proposed to be pleaded that the property originally belonged to her husband and, upon his demise, the plaintiff and defendant became owners to the extent of 1/4th share each. Additionally, it was sought to be averred that defendants No.3 and 4 are the sons of the plaintiff and that they had executed transfer deeds in respect of their respective shares



without consideration; however, admittedly, no such defendants were impleaded in the suit.

4. The said application was contested by the respondents, and the learned Civil Judge, Moga, vide order dated 24.11.2025, dismissed the same. Aggrieved thereby, the present revision petition has been preferred.

5. Learned counsel for the petitioner has contended that the impugned order is unsustainable in law and is liable to be set aside, as the learned Civil Judge has failed to properly appreciate and apply the law laid down by the Hon'ble Supreme Court in ***Life Insurance Corporation of India vs. Sanjeev Builder Private Limited and Another, 2022(16) SCC 1.***

6. I have considered the submissions advanced by learned counsel for the petitioner and have perused the paper-book with due diligence and care.

7. The learned Civil Judge has recorded the following reasons in paragraph No.9 of the impugned order, which are reproduced as under:—

“9. Therefore, this court has reached the conclusion that the facts proposed to be amended in the present application were well within the knowledge of the applicant at the time of filing the plaint, and if any mistake had occurred in the plaint; the same could have been amended after exercising due diligence before the stage of commencement of trial. However, the plaintiff failed to do so. Moreover, no justification has been provided by the plaintiff as to why she did not seek amendment at the initial stage or prior to the commencement of trial. Hence, this court is of the view that if the present application is allowed, the same will not only change the nature of suit, but also shall amount to reopening of the case which



will ultimately cause serious prejudice to the rights of the defendants.”

8. In the present case, the nature of the amendment sought by the petitioner–plaintiff is such that it fundamentally alters the character of the suit, seeking to convert it from one for possession into a suit for partition. It is further noteworthy that, in the original suit, only two defendants were arrayed as parties; however, by way of the proposed amendment, the petitioner seeks to introduce averments concerning defendants No.3 and 4, alleged to be her sons, without taking any steps to implead them as parties to the proceedings.

8.1 In the absence of any application under Order I Rule 10 of the Code of Civil Procedure, 1908 for impleadment of the said proposed parties, the incorporation of pleadings pertaining to defendants No.3 and 4 is not only procedurally untenable but also renders such pleadings wholly incongruous and liable to engender confusion in the adjudication of the dispute.

8.2 A holistic consideration of the proposed amendments reveals that the same would not aid in the effective and proper adjudication of the controversy but would, on the contrary, introduce ambiguity and necessitate further amendments, thereby prejudicing the rights of the existing defendants. In such circumstances, the reliance placed by the petitioner on the judgment of the Hon’ble Supreme Court in ***Life Insurance Corporation of India vs. Sanjeev Builder Private Limited and Another (supra)*** is misconceived and inapplicable to the facts of the present case.



8.3 Accordingly, this Court finds no infirmity, illegality, or jurisdictional error in the impugned order passed by the learned Civil Judge, Moga. The present revision petition, being devoid of merit, is therefore liable to be dismissed.

9. It is, however, clarified that the observations recorded hereinabove are confined solely to the adjudication of the present revision petition and shall not be construed as an expression of opinion on the merits of the underlying dispute. Nothing stated herein shall prejudice or influence the rights, claims, or contentions of the parties in any other proceedings, nor shall it be treated as a determination of any substantive question of fact or law in the main matter.

10. In view of the fact that the principal matter stands finally adjudicated, all pending miscellaneous applications, if any, shall also stand disposed of accordingly. No further orders are required to be passed in that regard.

09.04.2026
Gaurav Sorot

(**VIRINDER AGGARWAL**)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No