



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

CR-3139-2023 (O&M)
Date of decision : 30.04.2026

MAHENDER SINGH

....Petitioner

Versus

NARSI AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Rakesh Gupta, Advocate for the petitioner.

Mr. Anurag Gupta, Advocate for respondent No.1 (through V.C.).

Service of respondents No.4 to 7 dispensed with
vide order dated 01.07.2025.

PANKAJ JAIN, J. (ORAL)

CM-4995-CII-2026

Counsel for the applicant/petitioner submits that there are typographical mistakes in the memo of parties appended to the revision petition. By way of instant application, he prays for placing on record correct memo of parties.

For the reasons recorded in the application, the same is allowed.
Correct/fresh memo of parties is taken on record.

Registry to tag the same at an appropriate place.

CR-3139-2023 (O&M)

With the consent of counsel for parties, the main revision petition is taken on Board today itself for hearing.



The present revision petition is directed against order dated 03.02.2023 passed by Additional Civil Judge (Senior Division), Kaithal whereby application filed by the plaintiff seeking amendment of the plaint, stands dismissed holding that the proposed amendment is inconsistent with the pleadings raised in the plaint and the amendment in the title or relief clause can only be allowed if the necessary factual basis for amendment in the title and relief clause is already contained in the plaint.

2. Plaintiff filed suit seeking decree of declaration with the consequential relief of permanent injunction *qua* suit property. Plaintiff claims the same to have been allotted to him by the prescribed authority under the Haryana Ceiling on Land Holdings Act, 1972 on the basis of allotment certificate bearing No.115 dated 30.08.1976.

3. The suit was filed by the plaintiff with a specific plea that the plaintiff is in possession as an absolute owner of the suit land and he is cultivating the same since he was put in possession by way of warrants of possession, dated 03.05.1979.

4. Defendants contested the suit disputing the possession of the plaintiff and claimed that as per revenue record, it is defendants No.1 to 5 who are still recorded to be owners in the possession of the suit land.

5. Trial Court framed issues.

6. Before leading evidence, the plaintiff moved present application whereby he sought amendment in the plaint seeking permission of the Court to amend title of the plaint and to seek alternate relief of possession.



7. The application was opposed by the defendants.
8. The Trial Court dismissed the application vide impugned order.
9. Mr. Gupta counsel for the petitioner has assailed the order passed by the Trial Court. He submits that the plaintiff having been dispossessed during the pendency of the suit filed application seeking amendment of plaint and sought relief of possession in alternate. The proposed amendment being necessary for the proper adjudication of the dispute *inter se* between the parties, the Trial Court ought not have dismissed the application filed under Order VI Rule 17 CPC.
10. Per contra, Mr. Anurag Gupta, counsel for respondent No.1 has drawn attention of this Court to the application filed under Order VI Rule 17 CPC. He submits that there is no plea raised w.r.t. dispossession of the plaintiff during the pendency of the suit. Plaintiff filed suit with the specific averment of being in possession as owner. Thus, he cannot be allowed to improve upon his stand raised in the plaint that too after the trial has already commenced. The Trial Court thus rightly dismissed the application filed by the plaintiff under Order VI Rule 17 CPC.
11. I have heard counsel for the parties and have gone through records of the case.
12. The original prayer made in the plaint reads as under:
- It is, therefore, prayed that a decree for declaration may please be passed in favour of the plaintiff and against the defendants to the effect that the impugned order dt. 14-10-2015 passed in case



no.483 dt. 22-04-2015, by the defendant no.7, mutation no.2922 and any other subsequent revenue entries on the basis of impugned order dt. 14-10-2015 are illegal, nonest, void ab-initio and is not binding upon the legal rights of the plaintiff in any manner in respect of the suit land and a decree for injunction as a consequential relief may please also be passed in favour of the plaintiff and against the defendants no.1 to 5 thereby injunctioning the defendants no. 1 to 5 not to interfere into the legal and peaceful possession of the plaintiff in any manner; or any other relief to which the plaintiff is found entitled to may please also be granted to meet the ends of justice.

13. The proposed amendment reads as under:

- a) to amend the title of the suit as follows “suit for declaration, injunction and possession.
- b) to add following lines in the relief clause after the words in any manner “and in alternative, if at any stage, it has been found by this Hon’ble Court that the plaintiff is not in possession of the suit land in that eventuality a decree for possession of the suit land may also be granted to the plaintiff”

14. From the afore extracted relevant pleading raised in the plaint, it is evident that the suit is not a simpliciter suit for injunction, but is a suit seeking decree of declaration. Counsel for the respondent is right in contending that the plaintiff specifically pleaded to be in possession. However, the relief of possession is sought by way of amendment only as an alternate relief. In case, the plaintiff succeeds in proving his ownership and is found to be entitled for declaration, the alternate relief prayed for shall only reduce the multiplicity of litigation.



- | | | | |
|-----------------------|---------------------------|---|----------------------|
| April 30, 2026 | | | (Pankaj Jain) |
| Dpr | | | Judge |
| | Whether speaking/reasoned | : | Yes/No |
| | Whether reportable | : | Yes/No |