



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CR-3553-2026 (O&M)
Date of decision: 28.04.2026

Rajinder Kumar

...Petitioner(s)

Vs.

Tejwinder Singh

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Ashish Bakshi, Advocate
for the petitioner.

NIDHI GUPTA, J.

Present Revision Petition has been filed by the defendant seeking setting aside of the order dated 12.01.2026 (Annexure P6) passed by learned Civil Judge (Junior Division), Samrala whereby application filed by the plaintiff/respondent 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 the plaintiff had originally filed a Suit for permanent injunction on the basis of Agreement to Sell dated 26.07.2023. The petitioner had even filed written statement to the said Civil Suit. However, during the pendency of the Suit, the respondent had moved an application under Order 6 Rule 17 CPC for amendment of plaint to add prayer in the head note to the effect "*Suit for*



possession by way of specific performance....”, in the already pending Suit for injunction. Ld. counsel submits that the same amounts to change of nature of the Suit. Moreover, while passing the impugned order, the learned trial Court has failed to consider that it is the clear case of the petitioner in the written statement that no Agreement to Sell was executed between the petitioner and the plaintiff as alleged by the respondent in his Suit. Even in the written statement, the petitioner has specifically mentioned that the respondent is a financier, and he has misused the documents i.e. blank signed papers of the petitioner in forging the alleged Agreement to Sell. It is accordingly prayed that the impugned order be set aside.

3. No other argument is made on behalf of the petitioner. I have heard learned counsel and perused the case file in great detail. I find no merit in the submissions advanced on behalf of the petitioner.

4. Brief facts of the case in chronological order are as under:-

19.10.2023: The respondent/plaintiff had filed Civil Suit No.706 dated 19.10.2023 (Annexure P2) seeking a decree of permanent injunction restraining the petitioner/defendant from alienating, selling, mortgaging, etc. or creating any sort of charge in any manner whatsoever upon the suit property on the basis of Agreement to Sell dated 26.07.2023 executed by the petitioner/defendant in favour of the respondent/plaintiff.



Nil: The petitioner had filed written statement dated 'Nil' (Annexure P3) to the said Civil Suit.

08.11.2024: On 08.11.2024, the respondent had moved instant application (Annexure P4) under Order 6 Rule 17 read with Section 151 CPC for amendment of plaint. It was prayed that the respondent wants to add prayer for possession by way of specific performance in respect of the suit property on the basis of the Agreement to Sell dated 26.07.2023; and in the alternative Suit for recovery of Rs.2,40,000/-.

07.02.2025: The petitioner had filed a reply dated 07.02.2025 (Annexure P5) to the said application.

12.01.2026: Vide impugned order dated 12.01.2026 (Annexure P6), the application of the respondent for amendment of the plaint has been allowed.

5. On a direct Court query, learned counsel for the petitioner has admitted that issues in the case are yet to be framed by the learned trial Court. Clearly therefore, the Suit is at preliminary stage and trial has not yet commenced. The provision is very clear that all necessary amendments are liable to be permitted prior to commencement of trial. Furthermore, the legal position in this regard is also clear that a liberal view has to be taken while permitting amendments.

6. In **Rajesh Kumar Aggarwal v. K.K. Modi, (SC) : Law Finder Doc Id # 120400**, the Hon'ble Supreme Court has specifically directed that



“Amendment of pleadings - It is mandatory on court to allow all amendments which are necessary for the purpose of determining the real questions in controversy between the parties.”

It is further held that: –

“16. As discussed above, the real controversy test is the basic or cardinal test and it is the primary duty of the Court to decide whether such an amendment is necessary to decide the real dispute between the parties. If it is, the amendment will be allowed; if it is not, the amendment will be refused. On the contrary, the learned Judges of the High Court without deciding whether such an amendment is necessary has expressed certain opinion and entered into a discussion on merits of the amendment. In cases like this, the Court should also take notice of subsequent events in order to shorten the litigation, to preserve and safeguard rights of both parties and to sub-serve the ends of justice. It is settled by catena of decisions of this Court that the rule of amendment is essentially a rule of justice, equity and good conscience and the power of amendment should be exercised in the larger interest of doing full and complete justice to the parties before the Court.”

(emphasis supplied)

8. In this regard reference is also be made to judgments of this Court in **Shri Sanatan Dharam Sabha v. Sita Devi (P&H) : Law Finder Doc Id # 1713347; CR-5151-2019 (O&M) titled as “Shri Sanatan Dharam Sabha (Registered) Gaushala Bazar Hoshiarpur Vs. Sita Devi”; CR-5163-2019 (O&M)**



titled as “Shri Sanatan Dharam Sabha (Registered) Gaushala Bazar Hoshiarpur Vs. Gulwinder Singh” and CR-5168-2019 (O&M) titled as “Shri Sanatan Dharam Sabha (Registered) Gaushala Bazar Hoshiarpur Vs. Gulwinder Singh”.

9. Therefore, I find no error in the impugned order passed by the learned trial Court. Permitting amendment of the plaint at this stage will only avoid multiplicity of litigation.
10. In view of the above, present Revision Petition stands **dismissed**.
11. Pending application(s) if any also stand(s) disposed of.

28.04.2026	(Nidhi Gupta)
Sunena	Judge
Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No