



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

122

CR-4425-2026

Date of decision: 27.05.2026

TARLOCHAN SINGH

....Petitioner

Versus

JAGJIT KAUR

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Onkar Rai, Advocate for the petitioner.

YASHVIR SINGH RATHOR. J.(Oral)

1. The present revision petition under Article 227 of the Constitution of India has been filed for setting aside the impugned order dated 30.04.2026 (Annexure P-8) passed by learned Civil Judge (Jr. Division), Ludhiana, whereby the application for amendment of plaint has been allowed.
2. I have heard learned counsel for the petitioner and have gone through the material placed on the file.
3. Learned counsel for the petitioner argued that the impugned order vide which the application for amendment of plaint has been allowed is cryptic and illegal and the trial Court has committed a manifest error while allowing the application at the final stage of the suit by allowing plaintiff to include some more properties, whereas, the amendment should have been sought before the commencement of trial. Earlier, the application moved by the plaintiff for amendment of plaint was also rejected which shows that plaintiff has not exercised due diligence by not incorporating all the necessary pleadings at one stage and she



is infact, misusing the law just to delay the suit and he prayed that the impugned order be set aside and the application for amendment of plaint be dismissed. In support of his contentions, learned counsel for the petitioner has relied upon (2009) 73 AIC 34, ***Vidyabai and Others Vs. Padmalatha and Another***.

4. However, I do not find any force in the contention raised by learned counsel for the petitioner and the case law cited by him is not applicable to the facts of the case in hand.

5. Plaintiff is the sister of defendant No.1 and daughter of defendant No.2 and she has filed the present suit for declaration to the effect that she is owner to the extent of 1/3rd share in the properties detailed in the headnote of the plaint. She has also sought a decree for partition of the joint property by metes and bounds as well as for permanent injunction, restraining defendants No.1 and 2 from alienating the suit property. During pendency of the suit which had reached at the stage of rebuttal evidence and arguments, the application under Order 6 Rule 17 CPC (Annexure P-6) was moved, submitting that during cross-examination of defendant, it has come to the notice of plaintiff that their father Bachittar Singh also owned 1/3rd share in the property comprising Khasra No.11//24/2, 25/1, 22//11/2, 1/3, 21//15/2, 28//2, Khata No.38, 34/46 as per jamabandi for the year 1997-1998 measuring 14 kanal 19 marlas situated within the revenue estate of Village Tapprian, Tehsil Samrala, District Ludhiana. The said property has also been mutated in the revenue record in the name of plaintiff. She has already examined a Patwari and evidence in this regard is already on the record. However, earlier she was not aware about the aforesaid property and this property was thus not included in the plaint and she sought permission to amend



the plaint by including the aforesaid suit property as part of the suit property and her prayer has been allowed.

6. It is well settled that as per Order 6 Rule 17 CPC, no application of amendment of plaint can be allowed once the trial has commenced, unless the Court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of the trial. The proviso attached to Order 6 Rule 17 thus curtails absolute discretion to allow amendment at any stage. However, in 2017(3) CCC 821 ***Gurpal Singh Vs. Kamaljit Kaur***, it has been held that the stage of proceedings is not relevant for correction of clerical/typographical mistake. The power to allow amendment is wide and can be exercised at any stage of the proceedings, if the same is essential in the interest of justice. The purpose of the amendment is to minimize the litigation and to determine the real controversy between the parties.

7. In the present case, plaintiff has sought partition of the joint holdings but some property has been left out and has not been included alongwith the suit property, which is now sought to be added/included. It is well settled that in case the suit is not filed for partition of all the joint properties owned by the parties, the suit is liable to fail on account of partial partition. In the present case, suit has not been decided as yet and the property which was left out inadvertently can be allowed to be added, so that the rights of the parties and real controversy involved are effectively adjudicated without filing another suit. Learned trial Court has thus not committed any manifest error or illegality while allowing the application, as defendant will also get an opportunity to file written statement to the amended plaint and he will also get an opportunity to lead evidence and to rebut the



evidence that may be led by the plaintiff. Nature of the suit is also thus not going to change and no prejudice will thus be caused to the defendant/petitioner.

8. As a result of the aforesaid discussion, the petition in hand is ordered to be dismissed.

9. Pending application, if any, shall stand dispose of.

27.05.2026
amandeep

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No