



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

152

CR-4786-2026 (O&M)
Date of decision: 01.07.2026

Rajveer Singh

...Petitioner

Versus

Ramandeep Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Sukhjit Singh, Advocate for the petitioner.

VIKAS SURI, J.

1. The present petition has been filed by the defendant-petitioner (Rajveer Singh) for setting aside of order dated 07.05.2026 (Annexure P-4) passed by the learned trial Court, whereby an application under Order 6 Rule 17, CPC, has been allowed.

2. Tersely stated, the respondent-plaintiff filed the present suit for permanent injunction restraining the defendant from interfering in the use of common passage or creating any sort of hindrance while installing the underground pipes in the common passage on the suit land, owned and possessed by the plaintiff, situated within the revenue estate of Village Ikolahi, Tehsil Khanna, District Ludhiana. After institution of the suit, the plaintiff moved an application under Order 6 Rule 17 CPC for amendment of the plaint to add the following relief to his claim:



“a) In the title of the suit: declaration to the effect that the applicant/plaintiff is the co-owner of the electric tubewell connection bearing no. AP12/488 installed in the land owned and possession by the applicant/plaintiff upto 1/3 share on the basis of oral and documentary evidence.

b) In the prayer clause: declaration to the effect that the applicant/plaintiff is the co-owner of the electric tubewell connection bearing no. AP12/488 installed in the land owned and possession by the applicant/plaintiff upto 1/3 share on the basis of oral and documentary evidence.”

3. On notice of the application, the same was opposed by the defendant by filing reply. On consideration of the pleadings, the nature of the amendment sought and the stage of the proceedings, the application for amendment was allowed vide order dated 07.05.2026.

4. Aggrieved by the aforesaid order, the defendant-petitioner has assailed the same by way of the present petition.

5. Learned counsel for the petitioner has argued that the proposed amendment is an afterthought and would change the nature of the suit. It is further argued that the proposed amendment introduces a new and independent cause of action, which cannot be introduced, being a time-barred declaratory relief. The plaintiff has failed to show exercise of due diligence.

6. I have heard learned counsel for the petitioner and perused the paper-book with his able assistance.



7. Admittedly, the proceedings before the trial Court are at the initial stage and the matter is still pending for filing of written statement. As such, the trial has not yet commenced. A perusal of the impugned order dated 07.05.2026 would show that the trial Court has come to the conclusion that the amendment sought in the plaint, to incorporate an additional relief of declaration to the effect that the plaintiff-petitioner is co-owner of electric tubewell connection bearing No.AP12/488 upto 1/3rd share, is apparently connected with the dispute already existing between the parties and is necessary for proper and effective adjudication of the controversy involved in the present suit. The trial Court further concluded that the amendment will assist the Court in determining the real issues in controversy and avoid multiplicity of proceedings.

8. A perusal of the prayer made in the original suit, which is extracted hereunder, would go to show that the plaintiff has exerted his right over the common passage heading towards the suit property owned and possessed by him.

“It is, therefore, prayed that a decree for permanent injunction restraining the defendant himself or through his agents, servants, associates, attorney or through any other authorized persons from interfering or cause to interfere in the use of common passage and not to interfere and create any sort of hindrance while installing the underground pipes in the common passage (Pahi) heading towards the land measuring 6K-2/3M i.e. 6/43 share comprised in



Khewat no. 10/9min Khatoni No. 10 Khasra No. 872(4-6), 362/5812 share comprised in Khewat no. 163/157 Khatoni No. 164 Khasra No.947(6-10) 948(8-0) 958(10-4) 960(6-19) 961(9-2) 962(8-0) 963(7-9) 978(1-2) 979(7-9) 980(3-16) 982(8-0) 985(12-8) 22 959(8-0) owned and possessed by the plaintiff situated within the revenue estate of Village Ikolahi, Tehsil Khanna, District Ludhiana as per jamabndi for the year 2017-2018, HB No. 326, shown as red in the site plan/aks-shajra attached with the plaint, illegally and forcibly, may kindly be passed in favour of the plaintiff and against the defendant with costs.

It is, further, prayed that any other suitable, additional or alternative relief to which this court deems fit may also be awarded in favour of the plaintiff and against the defendant in the peculiar circumstances of the case.”

9. The issue which arises for consideration of this Court is whether the prayer for amendment to raise an additional prayer, which has been sought before commencement of trial, is to be dealt with a liberal approach or the same results in irreparable prejudice to the opposite party.

10. The aforesaid issue is no longer *res integra* and has been discussed in detail in a recent decision by the Hon’ble Supreme Court in ***Life Insurance Corporation of India vs. Sanjeev Builders Pvt. Ltd. and another***, (2022) 16 SCC 1. Upon consideration of plethora of judgments, on amendment of pleadings, the conclusions have been



summed up in para 71 of the aforesaid judgment. For the purposes of consideration of the proposed amendment in the present case, the conclusions recorded in clause (v) and (xi) would be relevant, which read thus:

“71. Our final conclusions may be summed up thus:

71.1 to 71.4.4 *x x x x x*

71.5. *In dealing with a prayer for amendment of pleadings, the court should avoid a hypertechnical approach, and is ordinarily required to be liberal especially where the opposite party can be compensated by costs.*

71.6 to 71.10 *x x x x x*

71.11. *Where the amendment is sought before commencement of trial, the court is required to be liberal in its approach. The court is required to bear in mind the fact that the opposite party would have a chance to meet the case set up in amendment. As such, where the amendment does not result in irreparable prejudice to the opposite party, or divest the opposite party of an advantage which it had secured as a result of an admission by the party seeking amendment, the amendment is required to be allowed. Equally, where the amendment is necessary for the court to effectively adjudicate on the main issues in controversy between the parties, the amendment should be allowed. (See Vijay Gupta v. Gagninder Kr. Gandhi, 2022 SCC OnLine Del 1897.)”*

11. On a conspectus of the aforesaid discussion, this Court does not find any infirmity or illegality in the impugned order. Learned



counsel for the petitioner has also failed to point out any perversity in the approach adopted by the learned trial Court, which is in consonance with the law settled by the Apex Court in *Sanjeev Builders' case* (supra).

12. Resultantly, the present petition being devoid of merit, is dismissed.

July 01, 2026
sumit.k

(VIKAS SURI)
JUDGE

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