

**CR-4680-2025****-1-****131****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CR-4680-2025 (O&M)
Date of decision: 06.05.2026****Manjit Kaur****..Petitioner****Versus****Jagdev Singh Gill and anr.****..Respondents****CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA****Present:** Mr. Abhishek Sharma, Advocate
for the petitioner.Mr. Onkar Rai, Advocate
for the respondents.**********SUDEEPTI SHARMA, J. (Oral)**

1. The present revision petition is filed for setting aside order dated 12.11.2024 (Annexure P-10) passed by Learned Civil Judge (Junior Division), Ludhiana, whereby application filed by the petitioner under Order 6 Rule 17 read with Section 151 CPC for amendment of the plaint, was dismissed.

2. Learned counsel for the petitioner contends that learned Civil Judge (Junior Division), Ludhiana wrongly dismissed application filed by the petitioner under Order 6 Rule 17 read with Section 151 CPC for amendment of the plaint on the ground that the amendment sought is at significantly advance stage i.e 06 years after initial filing. Further that the petitioner could have raised the proposed amendment earlier but failed to do so which shows the lack of due diligence. Further that the petitioner is trying to incorporate new witnesses which were totally unheard of for the last 06



CR-4680-2025

-2-

years. He further contends that initially the civil suit was filed through legal aid counsel because of which certain facts could not be stated in the pleadings. Further that the amendment can be allowed at any stage.

3. To support his arguments, he relies upon judgments mentioned below:-

- (i) *LIC of India vs. Sanjeev Builders Pvt. Ltd and anr, 2023 (1) RCR (Civil) 851*
- (ii) *Man Singh Chauhan alias Man Singh and ors vs. Bhanwar Singh and ors, 2025, AIR Pb and Hry, 1*
- (iii) *Brahman and anr vs. Sushil Kumar and ors, 2026 NCPHHC 61782*

4. He, therefore prays that the present revision petition be allowed.

5. Per contra, learned counsel for the respondents contends that the petitioner tried to amend the plaint 3 times and no due diligence is shown in the application seeking amendment of the plaint. Therefore, after delay of 6 years, the application for amendment of the plaint is rightly dismissed by Learned Civil Judge (Junior Division), Ludhiana.

6. To support his arguments, he relies upon judgments mentioned below:-

- (i) *Vidyabani and ors vs. Padmalatha and anr., (2009) 73 AIC 34*
- (ii) *Basavaraj vs. Indira and ors, (2024) 256 AIC 88*
- (iii) *Mashyak Girhnirman Shakari Sanstha Maryadit vs. UsmanHabib Dhuka and ors, (2013) 9 SCC 485*
- (iv) *Bikramjit Singh vs. Varun Kumar and anr, 2025 PHHC 136870*
- (v) *Sikander Kaur Pannu vs. Pardeep Balu and ors, (2020) 1 RCR (Civil) 794*

7. He, therefore prays for dismissal of the revision petition.

8. I have heard learned counsel for the parties and perused the whole file of this case with their able assistance.

9. Briefly stating the facts of the present case are that the petitioner filed Civil Suit bearing CS-953-2018 titled as "Manjit Kaur Versus Sh.

**CR-4680-2025****-3-**

Jagdev Singh Gill and Another" on 09.03.2018 seeking relief of possession by way of specific performance of the Agreement of sale dated 29.05.2012 and also prayed for relief of permanent injunction restraining the respondents from selling, gifting, mortgaging, leasing or alienating the afore-mentioned property in any manner to anyone other than the petitioner and further restraining the respondents from dispossessing the petitioner from the suit property. Thereafter, respondents filed their written statement. Subsequently, application for amendment of plaint under Order 6 Rule 17 CPC was filed and the same was allowed by the Ld. Civil Judge (Jr. Divn.), Ludhiana, vide order dated 10.04.2023. The amended Plaint was filed by the Petitioner on 03.07.2023 (Wrongly mentioned in the Petition as 04.08.2023). The respondents filed amended written statement. Vide order dated 18.10.2023, learned Civil Judge (Jr. Divn.), Ludhiana decided the application under Order 39 Rule 1 and 2 CPC in the afore-mentioned suit and disposed off the application by restraining the respondents from alienating etc. the suit property during the pendency of the suit and further qua relief restraining respondents from interfering in the possession of the plaintiff, learned Court held that there is nothing on record to show the possession of petitioner over the said property and as such, said fact does not stand prima facie proved on record. Petitioner filed an application under Order 18 Rule 3-A CPC for examining other witnesses before evidence of the petitioner. The application under Order 18 Rule 3-A CPC for examining other witnesses before evidence of the petitioner was allowed by Ld. CJJD, Ludhiana. Petitioner got examined Gagandeep Singh Arora as PW-1 who is witness to the Agreement to Sell dated 29.05.2012 and known to the parties to the suit. During preparation of affidavit of Gagandeep Singh Arora, certain new facts were

disclosed to the counsel of the petitioner without any delay, petitioner filed application under Order 6 Rule 17 CPC for amendment of plaint since certain new -facts were narrated to the counsel for the petitioner by afore-mentioned witness namely Gagandeep Singh Arora and moving of the application on same date is substantiated from order dated 12.08.2024 passed by learned Civil Judge Jr. Divn., Ludhiana. The respondents in response to afore-mentioned application filed reply to the application under Order 6 Rule 17 CPC. Learned Civil Judge Jr. Divn., Ludhiana vide order dated 12.11.2024 wrongly and erroneously dismissed the application filed by the petitioner on the following grounds:

- a.

The amendment sought is at significantly advanced stage, six years after the initial filing.
- b.

The petitioner could have raised the proposed amendment earlier but failed to do so, as such application is dismissed for lack of due diligence.
- c.

Petitioner is trying to incorporate new witnesses who were totally unheard of last 6 years.

10. Now coming to the amendment in para No. 2A of the plaint sought by the petitioner in the application. Para No. 2A before amendment as well as after amendment reads as under:-

Before Amendment	Amendment sought in application under Order 6 Rule 17 CPC
Para No. 2A	Para No. 2A
2A. That the defendants kept on taking money from the plaintiff from time to time and the plaintiff has been making the payment after withdrawing from the bank and even sold her property and gave the whole sale consideration to them and paid entire consideration under the agreement amounting to Rs.1,51,85,200/- and thereafter, the defendant started demanding Rs.20 Lakhs more money as the payment has been delayed. The plaintiff was left with no money and she transferred her two	"2-A. That after entering into the agreement, the plaintiff alongwith the defendant and Gagandeep Singh Arora son of Avtar Singh Arora went to the bank i.e. HDFC Bank, Dugri Ludhiana, at that time, wife of Jagdev Singh was accompanying them and in the presence of all these persons, the plaintiff withdrew a sum of Rs.1,30,00,000/- from the bank and she was having another amount of Rs.20 Lakhs in cash with her and the said amount paid there and then to the defendants i.e.

SCOs, situated at Village Threekey, Tehsil and District Ludhiana and out of those sale, even the payment for the stamp to be purchased for execution of the sale deed, was purchased on payment by the defendants. Rather than executing the sale deed, the defendants backed out taking benefit that they have not issued the receipts for the sale consideration received by them, taking advantage of the simplicity of the plaintiff However, to win their confidence, they have handed over the possession of the property to the plaintiff saving that they are not running away and they will execute the sale deed".	RS.1,50,00,000/- in the bank. In fact, the bank had to arrange the amount from the chest as cash was not available and the said clerk Harpreet Kaur was on teller who is witnessed to these facts. Rather than making endorsement on the agreement, Jagdev Singh and his wife Satpal Kaur just went away on the excuse that first let them keep the amount safe in their house and thereafter, they will get the endorsement signed, however, they never signed the same despite receiving full and final payment. The defendants as stated above, when they started demanding Rs.20 Lakhs more, the defendants purchased two shops cum flats from her for an amount of Rs.90 Lakhs, though its value was more than Rs.1 Crore and they were to pay Rs.70 Lakhs to her after adjusting Rs.20 Lakhs and when Manjit Kaur asked for execution of the sale deed, they asked her to buy stamp papers and they will directly execute the sale deed. Manjit Kaur even purchased the stamp papers for executing the sale deed, but Jagdev Singh and Satpal Kaur never came forward."
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11. A bare reading of above referred to Para No. 2 A before and after amendment shows that amendment sought is further clarifying transactions between the parties. Further the amendment sought in Para No. 2A shows that the petitioner is trying to further explain all the transactions. Therefore, no prejudice would be caused to the respondent if the application seeking amendment of the plaint, is allowed, since it is the petitioner only, who has filed the civil suit for possession, therefore, to deliver complete justice to the parties, specially as per facts and circumstances of this particular case, where the petitioner is old lady of more than 81 years who initially filed civil suit, through legal aid counsel, justice demands that she should get every opportunity to further clarify/explain the transactions relating to the civil suit. The client should not suffer because of lack of knowledge of the Advocate. Further the amendment in any case would not change the nature of the suit.



CR-4680-2025

-6-

12 Now coming to the judgments referred by learned counsel for the parties.

13. Learned counsel for the respondents have given judgments supporting their case on the ground that amendment under Order 6 Rule 17 CPC requires due diligence and cannot be allowed without that, specially after the commencement of the trial.

14. In another circumstances, Hon'ble the Supreme court has also held that amendment may be allowed at any stage. Hon'ble the Supreme Court in ***LIC of India vs. Sanjeev Builders Pvt. Ltd and anr, 2023 (1) RCR (Civil) 851*** has summed up the amendment of the plaint. The relevant portion of the same is reproduced as under:-

70. Our final conclusions may be summed up thus:

(i) Order II Rule 2 CPC operates as a bar against a subsequent suit if the requisite conditions for application thereof are satisfied and the field of amendment of pleadings falls far beyond its purview. The plea of amendment being barred under Order II Rule 2 CPC is, thus, misconceived and hence negatived.

(ii) All amendments are to be allowed which are necessary for determining the real question in controversy provided it does not cause injustice or prejudice to the other side. This is mandatory, as is apparent from the use of the word "shall", in the latter part of Order VI Rule 17 of the CPC.

(iii) The prayer for amendment is to be allowed

(i) if the amendment is required for effective and proper adjudication of the controversy between the parties, and

(ii) to avoid multiplicity of proceedings, provided

(a) the amendment does not result in injustice to the other side,



(b) by the amendment, the parties seeking amendment does not seek to withdraw any clear admission made by the party which confers a right on the other side and

(c) the amendment does not raise a time barred claim, resulting in divesting of the other side of a valuable accrued right (in certain situations).

(iv) A prayer for amendment is generally required to be allowed unless

(i) by the amendment, a time barred claim is sought to be introduced, in which case the fact that the claim would be time barred becomes a relevant factor for consideration,

(ii) the amendment changes the nature of the suit,

(iii) the prayer for amendment is malafide, or

(iv) by the amendment, the other side loses a valid defence.

(v) 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.

(vi) Where the amendment would enable the court to pinpointedly consider the dispute and would aid in rendering a more satisfactory decision, the prayer for amendment should be allowed.

(vii) Where the amendment merely sought to introduce an additional or a new approach without introducing a time barred cause of action, the amendment is liable to be allowed even after expiry of limitation.

(viii) Amendment may be justifiably allowed where it is intended to rectify the absence of material particulars in the plaint.

(ix) Delay in applying for amendment alone is not a ground to disallow the prayer. Where the aspect of delay is arguable, the prayer for amendment could be allowed and the issue of limitation framed separately for decision.



(x) *Where the amendment changes the nature of the suit or the cause of action, so as to set up an entirely new case, foreign to the case set up in the plaint, the amendment must be disallowed. Where, however, the amendment sought is only with respect to the relief in the plaint, and is predicated on facts which are already pleaded in the plaint, ordinarily the amendment is required to be allowed.*

(xi) *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 & Ors.](#), 2022 SCC OnLine Del 1897)”*

15. In view of the above discussion, the present revision petition is **allowed**. Consequently, order dated 12.11.2024 (Annexure P-10) passed by Learned Civil Judge (Junior Division), Ludhiana is set aside.

16. Pending application if any also stands disposed of.

May 06, 2026

Gaurav Arora

**(SUDEEPTI SHARMA)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No