

CR-6445-2019

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-6445-2019

Date of decision : 06.02.2026

Sarabjit Singh (since deceased) through his LR

... Petitioner

Versus

Harmit Kaur and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Deepak Sabherwal, Advocate
for the petitioner.

Mr.Om Pal Sharma, Advocate
for respondents no.4, 5, 7 to 9, 11, 12, 14 to 16.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India read with Section 151 CPC for setting aside the impugned order dated 20.09.2019 (Annexure P-5), vide which the Civil Judge (Sr.Div.), SAS Nagar Mohali, had dismissed the application of the petitioner (plaintiff) under Order 6 Rule 17 CPC for amendment of head note of the plaint and prayer clause.

2. Learned counsel for the petitioner has submitted that the petitioner had filed a suit seeking declaration with respect to 9 sale deeds. It is submitted that inadvertently with respect to sale deed dated 13.01.2012, vasika number i.e., 178 has not been mentioned and one of the beneficiaries



i.e., Harjinder Kaur wife of Baldev Singh resident of village Gobindpura @ Jangpura, Tehsil and District SAS Nagar (Mohali) was not impleaded. It is submitted that the said person be impleaded as defendant no.17 as the said Harjinder Kaur is necessary party as the sale deed of which she is the beneficiary has been challenged. It is submitted that in case she is not impleaded as party, the same would lead to multiplicity of litigation and serious prejudice would be caused to the petitioner (plaintiff). It is further argued that delay in the proceedings would primarily prejudice the petitioner as it is his suit which would be delayed.

3. On 29.10.2025 learned counsel for respondents no.1 and 10 had submitted that he did not have instructions to appear in the matter and thus, fresh notice was issued to respondents no.1 and 10. As per the report of the Registry, respondents no.1 and 10 have been served. None has appeared on behalf of respondents no.1 and 10. It is further pointed out that respondents no.2 and 3 had given no objection for the said amendment before the trial Court.

4. Learned counsel for the other respondents has submitted that in the present case, the application has been filed after much delay and as is apparent from the impugned order, the matter is fixed for rebuttal evidence and arguments. It is submitted that in case the amendment is to be allowed, then, the petitioner be directed to pay heavy costs for inconvenience caused to the contesting respondents.

5. Learned counsel for the petitioner has submitted that a perusal



of the impugned order dated 20.09.2019 (Annexure P-5) would show that defendants no.6 and 13 were proceeded against ex-parte and has further submitted that the said defendants have filed an application for setting aside the ex-parte order and the case is now fixed for consideration on the said application for 07.02.2026. It is submitted that with respect to other respondents who are appearing, the petitioner is ready to pay reasonable costs.

6. During the course of arguments, a very fair stand has been taken on behalf of the petitioner as well as contesting respondents and on the basis of consensus, the present revision petition is disposed of with the following observations / directions:-

i) The application for amendment is allowed and the impugned order dated 20.09.2019 is set aside subject to the petitioner paying an amount of Rs.5000/- to each of the contesting defendants i.e., defendants no.1 to 16 except defendant nos.6 and 13. The total amount of Rs.70,000/- be deposited by the petitioner within a period of two weeks from today and on depositing the same, the trial Court would release the said amount to the abovesaid contesting defendants i.e., 14 in number (Rs.5000/- each).

ii) Harjinder Kaur wife of Baldev Singh resident of village Gobindpura @ Jangpura, Tehsil and District SAS Nagar (Mohali), who is a necessary party, in pursuance of allowing

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the application for amendment stands impleaded and said Harjidner Kaur is impleaded as defendant no.17 and defendant no.17 would be given one opportunity after appearance to file written statement and would also be given one opportunity to cross-examine the witnesses of the plaintiff who have already been examined by the plaintiff. The said defendant no.17 would also be given two opportunities to lead evidence. The same would be given only in case defendant no.17 wishes to file written statement, cross-examine the witnesses of the plaintiff and wants to lead evidence.

(VIKAS BAHL)
JUDGE

February 06, 2026.
Davinder Kumar

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