

2026:PHHC:059756



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

**CR-6146 of 2024 (O&M)
Decided on:-20.04.2026**

Makhan Singh

....Petitioner.

VS.

Jasbir Singh and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Chirag Sharma, Advocate for
Mr. H.S. Batth, Advocate,
for the petitioner.

Mr. Sahil Khunger, Advocate,
for respondent No.1.

HARKESH MANUJA J. (Oral)

1. By way of present revision petition, challenge has been laid to an order dated 25.09.2024 passed by the learned Civil Judge (Junior Division), Patti, whereby an application under Order 6, Rule 17 read with Section 151 CPC, preferred at the instance of petitioner-plaintiff seeking amendment of plaint was declined.

2. Briefly stating, the petitioner-plaintiff filed a suit for permanent injunction against the respondents. The relevant portion from the plaint is extracted hereunder:-

"1. That Khasra Nos. 247 and 248 bearing Khata/Khatoni No. 244/432, 578/1172 as per Jamabandi for the year 2017-18 situated at village Manihala Jai Singh, Tehsil Patti, District Tarn Taran are ownership of plaintiff and other cosharers who could not be joined as

plaintiff at this stage, but the present suit has been filed on their behalf and for their benefit also. Copy of Jamabandi is attached herewith.

2. *That there is lane on the western side of Khasra No. 247 which connects to Khasra No. 248. Copy of Shajra of village Manihala Jai Singh, Tehsil Patti, District Tarn Taran is attached herewith.*

3. *That Khasra Number 90/1 which is entered as chappar and is ownership of Gram Panchyat of village Manihala Jai Singh and same bears Khata/Khatoni No.660/1261.*

4. *That the defendant has no right or interest in Khasra No. 90/1 which is ownership of Gram Panchayat of village Manihala Jai Singh, Tehsil Patti and Gram Panchayat of village Manihala Jai Singh is not changing the nature of the lane in question and is also not making any Gala and affixing any door in the lane.*

5. *That the defendant is a very high headed person and he is threatening to make some Gala or affixing some door in the lane situated on the western side of Khasra No.247 which connects to Khasra Number 248 bearing Khata/Khatoni No. 244/432, 578/1172 as per Jamabandi for the year 2017-18 situated at village Manihala Jai Singh, Tehsil Patti District Tarn Taran from the side of Khasra No.90/1 which is Gair Mumkin Chhappar and is ownership of Gram Panchyat of village Manihala Jai Singh, Tehsil Patti, District Tarn Taran forcibly, illegally or in any way for which he has no right to do so. In case, the defendant succeeds in doing so, then the plaintiffs will suffer an irreparable loss, which cannot be compensated in terms of money.*

6. *That the defendant has been asked several times by the plaintiffs to admit the claim of the plaintiffs over the suit property and not to make any Gala or affixing any door in the lane situated on the western side of Khasra No 247 which connects to Khasra Number 248 bearing Khata/Khatoni No. 244/432, 578/1172 as per Jamabandi for the year 2017-18 situated at village Manihala Jai Singh, Tehsil Patti, District Tarn Taran from the side of Khasra No.90/1 which is Gair Mumkin Chhappar and is ownership of Gram Panchayat of village Manihala Jai Singh, Tehsil Patti, District Tarn Taran forcibly, illegally or in any way for which he has no right to do so. But the defendant has finally refused to accept the request of the plaintiffs since yesterday. Therefore, the plaintiffs have got cause of action against the defendant.*

Hence the present suit.”

2.1 During the pendency of trial, the petitioner moved an application with a prayer for seeking amendment of plaint primarily to include prayer for mandatory injunction for removal of the gate/door allegedly installed in the lane situated on the western side of khasra No.247 which connects to Khasra No.248 bearing Khata/Khatoni No.244/432, 578/1172 as per jamabandi for the year 2017-18 situated at village Manihala Jai Singh; besides claiming few other amendments. The prayer made in the application was opposed at the instance of respondents. The learned trial Court, vide order dated 25.09.2024, dismissed the application moved on behalf of the petitioner-plaintiff.

3. I have heard learned counsel for the parties and gone through the paper book.

4. Before proceeding further, it would be relevant to reproduce notice of motion order dated 23.10.2024 passed by this Court:-

“Learned counsel for the petitioner contends that prayer for amendment of the plaint has been declined by the trial Court by observing that case was at the rebuttal/arguments.

Learned counsel contends that the only prayer made by the petitioner-plaintiff was that he wanted to seek the consequential relief of mandatory injunction. Learned counsel also undertakes that no fresh evidence shall be led, in case amendment of the plaint is allowed.

Notice of motion for 24.02.2025 to respondent No.1 only.

In the meantime, trial Court is directed not to pass the final order.”

5. A perusal of record shows that initially a suit for permanent injunction was filed; however, it is alleged that during the pendency of the

suit, a gate has been installed over a part of the suit property. Consequently, prayer for amendment of plaint has been made so as to include the relief of mandatory injunction. In such circumstances, in order to afford a complete and effective opportunity to the petitioner so as to put forth his claim in the suit, the amendment sought for becomes essential and thus, needs to be granted. However, learned counsel for the respondents submits that the trial is at fag end and the matter is listed before the Trial Court for recording of rebuttal evidence and arguments.

In response, learned counsel for the petitioner submits that the petitioner undertakes not to lead any further evidence in addition to what has already been led by him in support.

6. In view of the discussion made hereinabove, the present petition is allowed and the order dated 25.09.2024 is set aside. The prayer for amendment of plaint is granted, however, subject to the undertaking extended by learned counsel representing the petitioner, which shall be binding upon the petitioner as well.

8. Pending miscellaneous application(s), if any, shall also stand disposed of.

20.04.2026
sonika

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:	Yes
Whether reportable:	Yes