

2026:PHHC:085734



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

CR-7794-2019 (O&M)

Date of Decision: 27.05.2026

Raghubir Singh

...Petitioner

Versus

Ram Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Sanjay Verma, Advocate,
for the petitioner.

Mr. Navjeet Singh, Advocate,
for respondent Nos. 1 to 6.

VIKRAM AGGARWAL, J. (ORAL)

The instant petition, preferred under Article 227 of the Constitution of India, assails the Order dated 02.12.2019 (Annexure P-3) passed by the Additional Civil Judge (Senior Division), Sub-Division, Bilaspur, District Yamuna Nagar, whereby an application under Order 6 Rule 17 of the Code of Civil Procedure (hereinafter referred to as 'the CPC') , filed by the petitioner, was dismissed.

2. The petitioner-plaintiff (Raghubir Singh) filed a suit for mandatory injunction directing defendant Nos.1 to 6 to vacate the land/common passage (fully described in the plaint) by removing encroachment and cutting eucalyptus trees planted by said defendants on the said land, situated at Village Pensal, Tehsil-Bilaspur, District Yamuna Nagar as per Jamabandi for

the year 2014-2015 and as per Demarcation Report dated 14.12.2015. Relief of permanent injunction was also sought restraining the said defendants from interfering in the use and enjoyment of the plaintiff over the aforesaid common passage.

3. The defendants contested the suit by filing their written statement(s).

4. Thereafter, vide order dated 22.01.2019 passed by the trial Court, issues were framed.

5. Parties led their evidence.

6. When the matter was at the stage of rebuttal evidence, the petitioner filed an application under Order 6 Rule 17 CPC for amendment of the plaint so as to incorporate the correct date of the demarcation report in respect of the suit land in the head note as also in the prayer clause of the plaint.

7. The said application was resisted by the defendants pleading therein that it was nothing but delay tactics by the plaintiff.

8. Vide Order dated 02.12.2019, the trial Court dismissed the said application holding the same to be the misuse of process of law and having been filed just to delay the proceedings. Aggrieved against the same, the plaintiff has filed the instant petition.

9. I have heard learned counsel for the parties.

10. Learned counsel appearing for the petitioner submits that by way of the amendment application, the petitioner had sought only to incorporate the correct date of demarcation as 14.02.2015 instead of 14.12.2015, which was mentioned in the

head note and the prayer clause of the plaint, due to a typographical mistake. It is argued that as a matter of fact, the Demarcation Report is dated 14.02.2015 and the entire evidence to this fact has already been led by the petitioner and no further evidence is required to be led. It is, thus, argued that as only a typographical mistake was sought to be incorporated by way of the amendment, the approach of the trial Court in dismissing the said application, is erroneous.

11. On the other hand, learned counsel representing respondents, while defending the impugned order, submits that the sole purpose of the plaintiff in moving the amendment application is to delay the proceedings. It is further submitted that the plaintiff is seeking change in the date of demarcation report and the same cannot be sought and/or allowed at the rebuttal stage when all through, while leading the evidence and further cross-examining the witnesses of the defendants, no such plea had ever been taken by the plaintiff nor such step for seeking amendment in the plaint was taken. Accordingly, a prayer for dismissal of the revision petition has been made.

12. I have considered the submission made by learned counsel for the parties.

13. It may be noticed that a Coordinate Bench of this Court, while issuing notice of motion, passed the following order on 05.12.2019:-

“This civil revision petition has been filed by the petitioner/plaintiff impugning the legality of order dated 2.12.2019 rendered by trial Court, in terms of which, application under Order 6 Rule 17

CPC for amendment of plaint moved by the plaintiff (petitioner herein), has been dismissed.

Learned counsel for the petitioner inter alia contends that the proposed amendment pertains to correction of date of demarcation, which has been wrongly typed as 14.12.2015, whereas demarcation report was prepared on 14.2.2015. He further urges that the evidence qua exact date of demarcation has already been recorded.

Notice of motion for 17.12.2019 to the respondents/defendants as well as through their counsel, who is representing their cause before the trial Court.

Dasti notice as requested.

In the meanwhile, passing of final order in Civil Suit No.260 of 2018 titled “Raghbir Singh vs. Ram Singh and others” is stayed.

To be shown in the urgent list.”

14. A perusal of the aforesaid order shows that the contention of the learned counsel for the petitioner that only the correct date of the demarcation report, was required to be incorporated which was wrongly mentioned as 14.12.2015 instead of 14.02.2015, was duly recorded. It was further noticed that no evidence was required to be led by the petitioner.

15. As noticed above, no evidence is to be led by the petitioner in respect of the amendment sought. Even otherwise, the amendment is sought to be incorporated in respect of the date of demarcation report, which according to the petitioner, was so mentioned in the plaint due to a typographical mistake.

16. Taking into account the totality of the facts and circumstances of the case and the fact that the evidence in respect of the amendment sought has already been led and no further evidence is to be led by the petitioner in rebuttal, the instant revision petition is allowed. The impugned order dated 02.12.2019 passed by Additional Civil Judge (Senior Division), Sub Division, Bilaspur, is set aside and as a result thereof, the application under Order 6 Rule 17 CPC is allowed as prayed for.

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

(VIKRAM AGGARWAL)
JUDGE

27.05.2026
ds

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