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

**CR-9916-2025 (O&M)
Date of decision: 22.04.2026**

JASPAUL SINGH @ JASPAL SINGH & ANR. ..Petitioners

Versus

GURJIT KAUR AND ORS. ..Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Ashok Giri, Advocate
 for the petitioners.

 Mr. J.K. Goel, Advocate
 for respondent No.1.

 Mr. Harish Nain, AAG, Haryana
 for respondent Nos.2 and 3.

SUDEEPTI SHARMA, J. (Oral)

1. The present revision petition is filed for setting aside order dated 10.12.2025 passed by learned Additional Civil Judge (Senior Division) Karnal.
2. Learner counsel for the petitioners contends that civil suit challenging sale deed dated 11.12.2001 was filed in the year 2017 and in the written statement filed in the year 2017 itself, the petitioners specifically stated regarding another sale deed dated 07.09.2001 pertaining to the same property still in the year 2025 respondents moved an application under Order VI Rule 17 of the Code of Civil Procedure, 1908 (in short 'CPC') without showing any reason in the application as to why the amendment was not filed in the year 2017 itself when it was specifically averred in the written statement filed by the petitioners.



3. He further contends that in the application filed by the respondents for amendment under Order VI Rule 17 of CPC, there is not even a single line regarding due diligence on the part of respondents to show the reason because of which the sale deed dated 07.09.2001 could not be challenged and also that after filing of the written statement filed by the petitioners in the year 2017 itself the application under Order VI Rule 17 could be moved.

4. He further contends that at the fag end of the civil, the application under Order VI Rule 17 of CPC is filed by the respondents which is not permissible as per law. And learned Additional Civil Judge (Senior Division), Karnal did not take into consideration the requirement under Order VI Rule 17 of CPC. He, therefore, prays that the present revision petition be allowed.

5. In support of his contention, he relies upon the following judgments:-

- “1. Basavaraj Vs. Indira and others, 2024(4) RCR (Civil) 115*
- 2. M/s RMS Estate Pvt. Ltd. Vs. Lakhmi, CR-4184-2019,*
decided on 02.06.2023”

6. Per contra learned counsel for respondents contends that learned Additional Civil Judge (Senior Division), Karnal has rightly allowed the application under Order VI Rule 17 of CPC filed by the respondents by taking into consideration the facts and circumstances of this particular case. He, therefore, prays that the present revision petition be dismissed.

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



8. A perusal of the file shows that civil suit seeking permanent injunction is filed by the respondents. Respondents moved an application under Order VI Rule 17 of CPC for amendment of the plaint by stating that in the suit property was wrongly mentioned as 29 kanal and 13 marlas, whereas, certain shares of the parties have been left inadvertently for which the amendment of the plaint is necessary.

9. A perusal of file further shows that the suit for possession of the property was filed on the ground that Mangal Singh on the basis of forged Will got mutation sanctioned leading to get the sale deed dated 11.12.2001 registered. The suit was decreed and sale deed was set aside, therefore, defendants No.3 and 4 in the civil suit on the basis of that illegal sale deed came into possession of the property, which the respondents claimed through the suit.

10. Further the property which was part of earlier Will and the sale deed dated 07.09.2001 was also consequent to that Will regarding the same property. Even the evidence and averments are same which would not change the nature of the suit.

11. A perusal of file further shows that no prejudice has been caused to the petitioners if the application under Order VI Rule 17 of CPC filed by the respondents is allowed rather a perusal of file shows that to deliver complete justice to the parties learned trial Court has rightly allowed the application filed by the respondents.

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

13. The facts of the present case are totally different from the facts of the judgments cited by learned counsel for the petitioners.



14. Further there is no bar on allowing the application under Order VI Rule 17 of CPC, which as per Hon’ble Supreme Court can be allowed even at the appellate stage as per the facts and circumstances of the case.

15. In view of the above, I do not find any infirmity or illegality in order dated 10.12.2025 passed by learned Additional Civil Judge (Senior Division), Karnal which is well reasoned. Therefore, the same is hereby upheld. Consequently, the present petition is dismissed.

16. All the pending miscellaneous applications, if any, are also disposed of.

April 22nd, 2026

Ayub/Sahil

(SUDEEPTI SHARMA)
JUDGE

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