

**CR No. 6515 of 2025****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****121****CR No. 6515 of 2025****DATE OF DECISION :- 16.09.2025****Harjinder Singh****...Petitioner****Versus****Sant Singh and another****...Respondents****CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL****Present:-** Mr. Raj Kumar Rana, Advocate for the petitioner.*********VIRINDER AGGARWAL, J. (Oral)**

1. Petitioner vide this petition under Article 227 of the Constitution of India is assailing the order dated 22.07.2025 passed by learned Civil Judge (Junior Division) S.A.S. Nagar, Mohali whereby the learned Civil Judge dismissed the application file by the petitioner seeking amendment in the title of the suit as well as prayer clause. The application for amendment of the plaint was moved by the petitioner on the grounds that while in Jamabandi for the year 2015-2016 one of the Khasra number of the suit land was described as 378 min(1-15) but in the latest Jamabandi for the year 2020-2021 the same has been described in a different manner as 2509/378(1-15) and the application was moved by the petitioner-applicant to carry out this correction in the head note of the plaint as well as in relief clause.

2. The learned Civil Judge dismissed the application vide impugned order by recording observations contained in para No. 5 of the impugned order which is reproduced as under :-



“5. At the very outset it is pertinent to mention that the application for amendment of plaint has been filed at the time of when final arguments of the case are to be heard. It has been mentioned that khasra no. 378 min (1-15) be considered as 2509/378 min (1-15). It is clear from the own averments of application that at the time of filing of the suit, Khasra no. 378 min (1-15) came under the share of plaintiff vide mutation of partition no.1658 and khara no. 378min (1-15) came under the share of defendant along with other co-sharer. This court is of the view that it was imperative upon the plaintiff to ensure that the description of suit property is appropriate at the time of filing of the suit. The trial of the present suit has concluded and now the plaintiff wants to amend very description of the suit property. It would amount to changing the entire subject matter and leading to de-novo proceedings. Even though the case being at belated stage would not ordinarily affect the application on merits, but in the present case since the amendment pertains to the very subject matter of the suit, stage of trial must be considered and with these observations, the present application stands dismissed and disposed of. It is clarified that nothing in this order shall be deemed to be an expression on the final merits of the suit pending between the parties.”

3. A perusal of the paper book clearly shows that the suit initially was filed in the year 2019 and at that time Jamabandi for the year 2014-2015 was there. Though in the head note of the plaint plaintiff has not stated the year of Jamabandi describing the suit land and in copy of Jamabandi for the year 2015-2016 which is placed on record as Annexure P-3 the Khasra No. 378 min(1-15) was described but later on in Jamabandi for the year 2020-2021 Annexure P-4, the description of that Khasra number was changed as 2509/378(1-15). So, the necessity to file the application for amendment arose due to change of Khasra number in the revenue record by the revenue



officials and the amendment sought is only a clarificatory amendment and it does not change the nature of the suit.

4. Learned Civil Judge by declining the application on the grounds that the same would amount to changing the entire subject matter and would lead to *de-novo* proceedings has committed material illegality by not exercising the jurisdiction vested in the learned Civil Judge. The order passed by the learned Civil Judge is patently illegal and the same is set aside.

5. Accordingly, the present revision petition is allowed and the application for amendment filed by the petitioner stands allowed.

(VIRINDER AGGARWAL)
JUDGE

16.09.2025

P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No