

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****124****CR-1148-2025 (O&M)****Date of decision: 19.09.2025****Raj Kumar Sharma****...Petitioner(s)****Vs.****Anup Ashma and another****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Ivan Singh Khosa, and  
Mr. Aarjav Jain, Advocates  
for the petitioner.

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**NIDHI GUPTA, J.**

Present Civil Revision Petition under Article 227 of Constitution of India has been filed by the plaintiff seeking setting aside of the Impugned Order dated 29.11.2024 (Annexure P/1) passed by learned Civil Judge (Junior Division), Ludhiana in CS/3675/2018 dated 18.07.2018; whereby Application for Amendment of Plaint filed by the Petitioner has been dismissed.

2. It is *inter alia* submitted by learned counsel for the petitioner that petitioner had instituted a suit seeking decree of permanent injunction restraining the respondents from interfering in the exclusive peaceful possession of the petitioner by dispossessing him forcibly, illegally from the suit property. At the time of filing of the suit, the petitioner had also filed an Application under Order 39 Rule 1 and 2 CPC



read with Section 151 for grant of ad interim injunction, which was duly granted in favour of the petitioner by the learned Civil Court vide order dated 18.07.2018 (Annexure P-4). It is submitted that however, during pendency of the civil suit and despite grant of ad interim injunction in favour of the petitioner, the respondents had violated the said injunction and had interfered in the peaceful possession of the petitioner over the property in dispute.

3. It is submitted that despite the passing of the above said ad-interim injunction order dated 18.07.2018 and the extension of the same, the Respondents in gross violation and wilful and intentional disobedience of the same, broke open the locks put upon two shutters of the shop as well as upon the main gate installed towards the side of street and forcibly occupied the same by interfering in the peaceful possession of Petitioner over the property in dispute.

4. It is submitted that although the petitioner had initiated contempt proceedings against the respondents under Order 39 Rule 2A CPC vide application dated 10.08.2018 (Annexure P6) however, after issuance of the notice of the same vide order dated 13.08.2018 (Annexure P7), the same has not been decided till date and possession of the petitioner has not been restored. It is accordingly submitted that in this situation, petitioner was constrained to file the present application dated 14.04.2022 (Annexure P8) for amendment of the plaint to add relief of mandatory injunction against the respondents. It is submitted that no new oral or documentary evidence is sought to be



brought on record. No prejudice shall be caused to the respondent. However, without considering the above said facts, vide the impugned order, application of the petitioner has been dismissed.

5. It is accordingly prayed that the present Civil Revision be allowed; and the impugned order be set aside.

6. No other argument is made by Id. counsel for the petitioner. I have heard Id. counsel and perused the case file in detail. I am not inclined to agree with the submissions made on behalf of the petitioner.

7. Brief facts of the case in chronological order are as follows:

**18.07.2018:** The petitioner had filed a Civil Suit dated 18.07.2018 (Annexure P-2) seeking decree of permanent injunction.

**18.07.2018:** Along with the suit, petitioner had also filed an application dated 18.07.2018 (Annexure P-3) under Order 39 Rule 1 and 2 CPC read with Section 151 for grant of ad interim injunction.

**18.07.2018:** Vide order dated 18.07.2018 (Annexure P-4), ad interim injunction was granted in favour of the petitioner and defendants were restrained from interfering in exclusive and peaceful possession of the plaintiff.

**27.09.2018:** Defendants had put in appearance on 03.08.2018 and had duly filed written statement dated 27.09.2018 (Annexure P-5).

**10.08.2018:** Thereafter, the petitioner had filed an application dated 10.08.2018 (Annexure P-6) under Order 39 Rule 2-A CPC for initiating contempt against respondents/defendants for gross violation and wilful



and intentional disobedience of the ad interim injunction order dated 18.07.2018.

**13.08.2018**: Vide order dated 13.08.2018 (Annexure P-7), notice was issued in the said application for contempt.

**08.08.2019**: Issues were framed in the main suit on 08.08.2019.

**14.04.2022**: The petitioner filed the instant application (Annexure P-8) under Order 6 Rule 17 CPC for amendment of the plaint.

**13.04.2023**:- Defendant No.2 had filed reply dated 13.04.2023 (Annexure P-9) to the said application.

**23.10.2023**: In the interregnum, suit of the petitioner was dismissed for non-prosecution vide order dated 23.10.2023 (Annexure P10); and thereafter, restored vide order dated 27.08.2024.

**29.11.2024**:- Vide the impugned order dated 29.11.2024 (Annexure P1), application for amendment of the plaint has been dismissed.

Order 6 Rule 17 CPC reads as follows:-

*“17. Amendment of pleadings. -The Court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties:*

*Provided that no application for amendment shall be allowed after the trial has commenced, unless the Court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of trial.”*

8. A bare reading of the above provision shows that the proviso thereto, categorically stipulates that “...no application for amendment shall be allowed after the trial is commenced .....” In the present case,



admittedly trial has commenced with framing of issues on 8.8.2019. As such, amendment cannot be permitted; and accordingly, no ground is made out to interfere in the impugned order.

9. However, admittedly, application of the petitioner under Order 39 Rule 2A CPC read with Section 151 is pending since 10.08.2018. Thus, keeping in view the entirety of the facts and circumstances of the case as noted above, the learned Civil Court is directed to expeditiously decide application dated 10.08.2018 filed by the petitioner under Order 39 Rule 2A CPC read with Section 151 (Annexure P-6) preferably within a period of 6 months from today.

10. The present Civil Revision Petition stands **disposed of**.

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

**19.09.2025**

Divyanshi

**(NIDHI GUPTA)  
JUDGE**

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