



CR-1120-2025

-1-

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

(126)

CR-1120-2025

Date of decision: - 24.02.2025

Harmesh Lal

...Petitioner

Versus

Gurmail Singh and another

....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Sarju Puri, Advocate,
for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present civil revision has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 11.12.2024 (Annexure P-1) passed by the Additional Civil Judge (Senior Division), Garhshankar, in Civil Suit bearing No.CS/1358/2013 whereby the application of plaintiff/respondent No.1 under Order 6 Rule 17 read with Section 151 CPC for amendment of the plaint has been allowed.

2. Learned counsel for the petitioner has submitted that the primary reason for the petitioner to challenge the impugned order dated 11.12.2024 is that the respondent No.1/plaintiff had initially filed a site plan (Annexure P-4) as per which the area of north-eastern side was also shown to be owned by the petitioner and the defendants and by virtue of

**CR-1120-2025****-2-**

the present amendment, a new site plan has been placed on record as Annexure P-9 showing that a part of the land is owned by Amarjit Singh and the same is sought to be given up. It is submitted that as per the stand of the petitioner, the said land does not belong to the said Amarjit Singh and is in fact in the ownership of the petitioner and since the present case is of partition, thus, passing of the impugned order should not be construed as an estoppel on the petitioner in the present litigation as well as in other litigation of having given up the claim with respect to north-eastern side as stated in the new site plan (Annexure P-9). It is further submitted that by virtue of the impugned order, no right has been given to the petitioner to submit his own site plan to contradict the new site plan (Annexure P-9) produced by the plaintiff. It is prayed that with the above-said clarifications, the present revision petition be disposed of.

3. Keeping in view the above-said facts and circumstances, this Court is of the opinion that by virtue of the impugned order, the plaintiff is giving up the claim with respect to a part of the suit property. The said giving up of the claim of the suit property cannot be construed as an estoppel against the petitioner of having given up the claim with respect to the said property and it would be open to the petitioner to submit his site plan to rebut the new site plan (Annexure P-9) submitted by the plaintiff. The giving up of the claim by the plaintiff would not be construed as an estoppel against the petitioner from claiming the land on the north-eastern side, which as per the new site plan is stated to be that of Amarjit Singh either in the present case or in any proceedings in which



CR-1120-2025

-3-

Amarjit Singh is a party.

4. With the above-said observations/clarifications, the present revision petition is disposed of and the impugned order is upheld.

February 24, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No