

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****122****CR-4069-2025 (O&M)****Date of decision: 10.07.2025****Balwant Khan and another****...Petitioner(s)****Vs.****Raj Khan and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

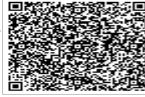
Present:- Ms. Jasmine, Advocate for the petitioners.

\*\*\*

**NIDHI GUPTA, J.**

Present Civil Revision Petition has been filed by defendants No. 13 and 14 seeking setting aside of order dated 07.05.2025 (Annexure P-8) passed by the learned Civil Judge (Junior Division), Sangrur, whereby application filed by the plaintiff/respondents No.1 and 2 under Order VI Rule 17 read with Section 151 CPC for amendment of plaint, has been allowed.

2. It is submitted by learned counsel for the petitioners that the impugned order is unsustainable on the ground that the Sale Deed in question dated 03.05.2019 was well in the knowledge of the plaintiffs at the time of filing the suit (Annexure P2) on 03.05.2019. As such, plaintiffs ought to have claimed any relief qua the said sale deed at the time of filing of suit and accordingly amendment could not have been permitted. It is contended that by way of the present application under Order VI Rule 17 dated



07.11.2024 (Annexure P-5), the plaintiffs are only seeking to extend the scope of the suit by adding consequential reliefs of permanent injunction and declaration qua the petitioners, thereby indirectly attempting to introduce a new cause of action after a lapse of more than 6 years. It is submitted that as per the provisions of Order VI Rule 17 CPC, the same cannot be permitted; and therefore, the impugned order dated 05.05.2025 (Annexure P-8) deserves to be set aside.

3. No other argument is raised on behalf of the petitioners.

4. I have heard learned counsel for the petitioners and perused the case file in great detail. I find no merit in the submissions made on behalf of the petitioners in view of the undenied fact that trial in the present case has not yet commenced. Order VI Rule 17 CPC clearly stipulates as under:-

*“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.”*

5. A bare reading of the above provision shows that amendment shall not be permitted after commencement of trial i.e. after framing of



issues. In the present case admittedly, issues have not yet been framed. As such, there is no legal impediment in permitting the amendment.

6. Moreover, it is also to be borne in mind that the petitioners herein were impleaded as defendants No. 13 and 14 pursuant to application dated 01.10.2024 (Annexure P-4) filed by them under Order 1 Rule 10 CPC. Therefore, the plaintiffs could not have sought any relief qua the petitioners prior to that. Argument of the petitioners that plaintiffs had knowledge of the Sale Deed dated 03.05.2019 executed by defendants No. 3 and 4 in favour of the petitioners/defendants No. 13 and 14 is also liable to be rejected in view of the fact that the merits or the contents of the amendment cannot be gone into at the time of consideration of application for amendment. Another principle of law is that rule of amendment has to be construed liberally in order to effectively adjudicate upon the dispute in hand. Furthermore, application of the plaintiffs has been allowed by the learned appellate Court upon payment of Rs.5,000/- as costs to the petitioners. Therefore, no prejudice shall be caused to the petitioners.

7. As such, I find no ground is made out to interfere in the impugned order dated 07.05.2025 (Annexure P-8). The present Civil Revision Petition is hereby **dismissed**.

8. Pending application, if any, stands disposed of.

**10.07.2025**

Divyanshi

**(NIDHI GUPTA)**  
**JUDGE**

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