

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****136****CR-2518-2025(O&M)****Date of decision: 28.04.2025****Ramdhari****...Petitioner(s)****Vs.****Paramjit Kaur & Others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. T.P.S. Makkar, Advocate
for the petitioner.

*********NIDHI GUPTA, J.**

Present Revision Petition has been filed by the plaintiff under Article 227 of the Constitution of India for setting aside the order dated 22.04.2025 (Annexure P7) passed by learned Additional Civil Judge (Senior Division), Moonak, District Sangrur in CS-256-2021 titled as "Ramdhari Vs. Paramjit Kaur & Others" whereby the application filed by the petitioner/plaintiff under Order 6 Rule 17 CPC for amendment of the plaint, has been dismissed.

2. Learned counsel for the petitioner submits that the short amendment sought by the petitioner is that in the head note of the plaint, the petitioner has inadvertently mentioned that the share of the petitioner is 1/140; whereas the same should be 1/40 and 1/48. It is submitted that the impugned order has been passed mechanically without appreciating the



facts and circumstances of the case and also without appreciating that by allowing the application for amendment of the plaint no prejudice will be caused to the respondents/defendants. It is stated that the suit was filed only on 1.2.2024 and therefore, will also not delay the trial. It is accordingly prayed that the petitioner be permitted to make this amendment failing which grave loss and injustice shall be caused to the petitioner.

3. No other argument is made on behalf of the petitioner.

4. I have heard learned counsel for the petitioner and perused the case file in great detail.

5. I find no merit whatsoever in the misleading submissions made on behalf of the petitioner.

6. Perusal of the case shows that the suit (Annexure P1) was filed by the petitioner on 04.08.2021 and not on 1.2.2024, as wrongly stated by learned counsel. Thereafter, amended written statement dated 8.12.2023 (Annexure P2) was filed by the respondents. Whereas present application for amendment of the suit (Annexure P5) has been filed by the petitioner on 18.02.2025. Furthermore, the petitioner has filed the present suit for declaration of his ownership in possession of land in the name of his father Ram Lal on the basis of Will dated 08.08.2020 stated to have been executed by Ram Lal in favour of the petitioner. In the application (Annexure P5), it has been stated that while perusing the file for the purpose of rebuttal evidence, it came to the notice of the petitioner that in



the head note of the plaint, share of the petitioner has been inadvertently written wrongly as 1/140 instead of 1/48 and 1/40 in Khewat No.112. However, as noticed above, present suit was filed on 04.08.2021; and issues were framed on 09.05.2022. Thereafter, the suit was kept pending for evidence of the petitioner till 25.08.2023 i.e. for almost 1 year and 3 months. It has been admitted by learned counsel for the petitioner that the plaintiff evidence is complete. As per the own saying of the petitioner, the matter was fixed for rebuttal evidence when the present application was filed. Moreover, as per Order 6 Rule 17 CPC, application for amendment cannot be filed after commencement of trial unless due diligence is made out. In the present case, it is the own admitted case of the petitioner that the alleged share of the petitioner has been incorrectly mentioned in the plaint 'inadvertently'.

7. As such, impugned order suffers from no error. The present petition accordingly stands **dismissed**.

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

28.04.2025

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No