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

(223)

CR-1972-2025

Date of decision: - 08.05.2025

Baljeet Kaur

....Petitioner

Versus

Guddu Singh @ Satnam Singh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Sherry K. Singla, Advocate,
for the petitioner.

Mr. Kanish Jindal, Advocate, and
Mr. Rishav Jain, Advocate
for respondent No.1.

VIKAS BAHL, J. (ORAL)

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 12.03.2025 (Annexure P-5) passed by the Civil Judge (Junior Division), Sunam, whereby an application under Order 6 Rule 17 CPC and under Order 39 Rule 1 and 2 CPC filed by the petitioner/plaintiff for the amendment of the plaint has been dismissed.

2. Learned counsel for the petitioner has submitted that the plaintiff/petitioner is the sister of defendant No.1 and has filed the suit for declaration to the effect that the plaintiff is owner in possession of the land to the extent of share which had been mentioned in the headnote of

the plaint. It is further submitted that other reliefs are also prayed for. It is argued that there was a typographical mistake in the mentioning of khasra number in the plaint and thus, the amendment application was moved to correct the said typographical error. It is pointed out that another typographical mistake was there in the plaint to the effect that 'Hari 2016' had been mentioned instead of 'Hari 2017'. It is submitted that an additional prayer was made in the application to the extent that in case the Court comes to the conclusion that the petitioner is not in possession of the land in dispute, in that eventuality the plaintiff is entitled to the joint possession of the land in dispute. It is further submitted that the plaintiff undertakes that he would not lead any evidence in support of the said amendments and the same is necessary for proper and final adjudication of the case. It is argued that the application for amendment filed by the petitioner has been illegally rejected by the trial Court vide order dated 12.03.2025 (Annexure P-5).

3. Learned counsel for respondent No.1, on the other hand, has submitted that since the application is belated, thus, in case the said application is to be allowed, then, the petitioner should be burdened with costs. It is further submitted that in case the prayer of the petitioner with respect to joint possession/possession is to be considered, then, respondent No.1 be granted liberty to raise a plea at the stage of final arguments that the requisite court fee has not been paid by the petitioner.

4. Learned counsel for the petitioner, in rebuttal to the argument raised by learned counsel for respondent No.1, has submitted that in order

to meet the objection of respondent No.1, the petitioner is ready to pay cost of Rs.10,000/- to the contesting defendants. It is further submitted that in case the plea with respect to court fee is raised, then, the petitioner be also granted liberty to raise the said plea at the time of final arguments.

5. From the above-said facts and circumstances of the present case, it is apparent that the application for amendment has been filed only to correct typographical mistakes and to seek the prayer of joint possession in the alternate. The said amendments are necessary for proper and final adjudication of the case. It is a matter of settled law that at the time of deciding the application for amendment, the merits of the amendment are not to be seen. The majesty of the Court is in deciding the cases on merits and not on technicalities. Since there are typographical mistakes in the mentioning of khasra number and also on the mentioning of aspect of 'Hari 2016' instead of 'Hari 2017', thus, the said amendments are necessarily required to be allowed. Moreover, the petitioner should be permitted to make an additional/alternate prayer, as the case of the petitioner should not be rejected only on account of there being a lack of prayer made. Furthermore, as has been stated on behalf of the petitioner, the petitioner would lead no evidence in support of the said amendments as the evidence of the parties has already been completed.

6. Both the parties are at liberty to raise the plea on the aspect of court fee at the time of finally arguing the matter and in case the said plea is raised, then, the trial Court would decide the same in accordance with law.



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7. Keeping in view the above-said facts and circumstances and the fair stand taken on behalf of the petitioner as well as respondent No.1, the impugned order dated 12.03.2025 (Annexure P-5) is set aside and the application filed by the petitioner under Order 6 Rule 17 CPC and under Order 39 Rule 1 and 2 CPC is allowed. The same would be subject to the petitioner depositing the cost of Rs.10,000/- in the trial Court on the next date of hearing, which would be released to the contesting defendants by the trial Court.

May 08, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	Yes