



CR-6527-2025

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

CR-6527-2025

Date of Decision: 16.09.2025

MUKESH

....Petitioner

Versus

SHYAMLAL AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Mr. Sushil Kumar Verma, Advocate  
for the petitioner.

**Parmod Goyal, J. (Oral)**

The present revision petition has been preferred by plaintiff who is aggrieved by impugned order dated 01.07.2025, vide which application under Order VI Rule 17 CPC, preferred by plaintiff/petitioner for amendment in plaint was dismissed by the Court of first instance.

2. Application under Order VI Rule 17 CPC has not found favour with the Court of first instance on the ground that by present amendment in the plaint, plaintiff is wanting to change his stand when the proceedings are at the fag end without showing any due diligence. On consideration I find that the ground taken by learned Court of first instance to be a valid ground for rejecting prayer for amendment of plaint preferred by the petitioner/plaintiff.

3. In the present case, petitioner/plaintiff had filed a suit for declaration that release deed bearing No.429 dated 18.05.2016 and Mutation No.15070 dated 15.06.2016, are null and void. In his original plaint plaintiff



had claimed suit property to be ancestral property. Now by way of amendment plaintiff is wanting to plead that suit property was self acquired property of grandfather of plaintiff as mutation No.1214 was sanctioned in favour of Khushi Ram on 11.11.1952. The mutation was sanctioned on the basis of letter No.8733 dated 01.07.1952 which goes to show that suit property was self acquired property of grandfather of plaintiff.

4. It is asserted that release deed in question was executed fraudulently, as the same could not have been executed with regard to self acquired property. It is the case of plaintiff that plaintiff came to know about above fact only upon engagement of his new counsel and, therefore, he be permitted to amend his plaint.

5. The learned Court of first instance has rightly noticed principles on which an application under Section VI Rule 17 CPC can be allowed. The purpose to allow parties to amend their pleadings is to ensure proper and final adjudication of *lis* between the parties. The purpose is to give full opportunity to the parties to take all available grounds of attack and defence in favour of their respective cases. However, whenever pleadings are sought after commencement of trial, the parties seeking amendment in pleadings are bound to show due diligence as to why the pleadings were not amended in time.

6. In the present case, petitioner/plaintiff is seeking to amend the pleadings at the stage of rebuttal evidence and arguments when both the parties have already adduced their respective evidence according to their pleadings. The nature of pleadings would result in withdrawal of admission already made by plaintiff/petitioner when he says that property is ancestral



property. Moreover, in the present case, it is not the nature of property which is actually in dispute, the actual dispute is whether release deed in favour of defendant No.2 was rightly executed in accordance with law by defendant No.1, on the basis of General Power of Attorney of father of plaintiff.

7. Therefore, nature of property has no nexus in the present case, hence, the learned Court of first instance has rightly held that neither pleading is required for the purposes of deciding the case between the parties nor plaintiff was diligent in seeking the amendment.

8. Admittedly, suit is pending for last eight years. Parties have already concluded their evidence and matter is fixed for rebuttal evidence and arguments. Merely by saying that the fact came to the knowledge upon engagement of new counsel about mutation executed dated 11.11.1952 by itself is not sufficient to show due diligence. The mutation existed since 1952 i.e. prior to filing of suit. In these circumstances, no fault with the conclusion drawn by learned Court of first instance can be found.

9. Present petition is devoid of any merit, hence dismissed.

**16.09.2025**  
chiranjeev

**(PARMOD GOYAL)**  
**JUDGE**

Whether Speaking/Reasoned : Yes/No  
Whether Reportable : Yes/No