



CR-5322-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR-5322-2025**Date of Decision:08.08.2025**

Simar Harleen Singh

... Petitioner

Versus

Atul Sood (deceased) through LR and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Japsehaj Singh, Advocate
for the petitioner.

AMARINDER SINGH GREWAL, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India seeking setting aside of the impugned order dated 16.05.2025 (Annexure P-1) passed by the learned Civil Judge (Junior Division), Jalandhar in C.S. No.1067 of 2019 titled as *SimarHarleen Singh Vs. AtulSood and another* whereby the application filed by the petitioner-plaintiff under Order 6 Rule 17 CPC for amendment of plaint, has been dismissed.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner became owner in possession of House No.NF 210, Gali Dhikki Wali Tanda Road, Jalandhar (for short suit property) by virtue of sale deed dated 18.07.2011. He filed a suit for permanent injunction restraining the defendants, their agents, attorneys, servants and other representatives from interfering into peaceful and lawful exclusive possession of the plaintiff and further from illegally and unlawfully dispossessing the plaintiff and from damaging/demolishing any portion of the suit property i.e. ground floor comprising of two shops and room/store as shown red in the site plan and bounded as East: Street and Harbhajan, West: Banarsi Dass, North: Shop of Bajaj Copy House, South: Gali. It is contended that



during the course of trial, the petitioner came to know that boundaries of the suit property as mentioned in the sale deed did not match with the site plan annexed with the plaint. The description of boundaries ought to have been East: Street/Gali and Harbhajan Singh (as the part suit property being 'L' shape touched the shop of Harbhajan Singh and part opens in the street/gali Dhikki Wali, West: others/Banarsi Dass, North: street/circular road also known as Tanda road and Harbhajan Singh on the North side and part opens in the street/circular road also known as Tanda Road, South: Surat Singh/others. The petitioner moved an application seeking amendment of the plaint to the above extent in the head note and para No.1 of the plaint, which has been dismissed by the learned trial Court illegally and in strict contravention to the settled provisions of law. It is further contended that the nature of the suit has not changed, rather the amendment is sought qua description of boundaries as set out in the sale deed so that the *lis* at hand can be adjudicated properly. The petitioner moved the application for amendment as soon as he came to know about the discrepancies in the description/dimensions of boundaries as mentioned in the plaint and, therefore, the learned trial Court ought not to have dismissed the application seeking amendment of the plaint in a hyper technical manner. In support of his contentions, he relied upon the judgment passed by the Hon'ble Supreme Court in *Life Insurance Corporation of India Vs. Sanjeev Builders Private Limited and another (2022) 16 SCC 1* and *Rajesh Kumar Aggarwal and others Vs. K.K. Modi and others (2006) 4 SCC 385*.

3. Heard.

4. A perusal of the impugned order reveals that the learned trial Court has dismissed the application seeking amendment of plaint of the petitioner on the



ground that the said amendment has been sought after commencement of the trial, as substantial cross-examination of the petitioner-plaintiff witness as PW1 has already been conducted and allowing the application seeking amendment of plaint would cause prejudice to the defendants and would tantamount to filling up of the lacunae by him. Even if the petitioner has filed the amendment seeking amendment of the plaint at a belated stage, the learned trial Court should have allowed the same, because in dealing with a prayer for amendment of pleadings, the court should avoid a hyper-technical approach especially in cases where the amendment would enable the Court to pin-pointedly consider the dispute and would aid in rendering a more satisfactory decision. The amendment sought in the plaint by the petitioner by way of application filed under Order 6 Rule 17 CPC is with respect to description of boundaries of suit property, which would enable the learned trial Court in proper adjudication of the matter. Furthermore, the respondents-defendants would be having appropriate opportunity to cross-examine the petitioner-plaintiff in this regard.

5. In view of the aforesaid facts and circumstances, the impugned order dated 02.12.2024 is set aside and the present petition is allowed.

(AMARINDER SINGH GREWAL)
JUDGE

August 08, 2025

Pankaj*

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No