



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

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CR No.1520 of 2025 (O&M)
Date of decision: 12.03.2025

Harjinder Singh Sandhu

...Petitioner

V/s

Amitpreet Singh and another

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Krishan Kanha, Advocate,
for the petitioner.
(through video conference)

VIKRAM AGGARWAL, J (ORAL)

The present revision petition is directed against the order dated 13.12.2024 (Annexure P-4) passed by the Court of learned Civil Judge (Jr. Divn.), Malout District Shri Muktsar Sahib, vide which the application filed by the respondents-plaintiffs under Order 6 Rule 17 of the Code of Civil Procedure, 1908 (for short the "CPC") for the amendment of plaint was allowed.

2. The facts, as emanating from the revision petition, are that the respondents-plaintiffs (Amitpreet Singh and Jaswinder Kaur) filed a suit for declaration, permanent injunction and mandatory injunction against the petitioner-defendant. Before the written statement could be filed, an application under Order 6 Rule 17 CPC (Annexure P-2) was filed seeking amendments in the plaint. The said application was opposed by way of reply (Annexure P-3). By way of the impugned order dated 13.12.2024, the said application was allowed and the plaintiffs were permitted to carry out the amendments in the plaint.

3. I have heard learned counsel for the petitioner.



4. Learned counsel for the petitioner submits that extensive amendments were permitted to be made in the plaint. He further submits that the application for amendment was moved almost one year after the suit had been filed and, therefore, the same should not have been allowed.

5. I have considered the submissions made by learned counsel for the petitioner but find the same to be devoid of merit.

6. No doubt, extensive amendments were sought in the plaint. However, the learned trial Court examined the matter in its entirety and came to the right conclusion that the amendments did not change the nature of the suit. It was further rightly held that the amendments had been sought at the very initial stage when even the written statement had not been filed. The learned trial Court still further, rightly found that the amendment was necessary for the proper and fair adjudication of the case. In the considered opinion of this court, the trial Court took a very balanced and pragmatic view dealing with all aspects of the matter leading practically no scope of interference. It has to be borne in mind that the basic law as regards amendment of pleadings is that the same should be sought in time and before the trial starts and further that it should not change the nature of the suit. In the case of *Revajeetu Builders & Developers Vs. Narayanaswamy & Sons & others*, 2010(1) RCR (Civil) 27, the Hon'ble Apex Court, while examining the entire law on the subject, laid down the following principles qua amendment of pleadings:-

“67. On critically analyzing both the English and Indian cases, some basic principles emerge which ought to be taken into consideration while allowing or rejecting the application for amendment.

(1) Whether the amendment sought is imperative for proper and effective adjudication of the case?



(2) Whether the application for amendment is bona fide or mala fide?

(3) The amendment should not cause such prejudice to the other side which cannot be compensated adequately in terms of money;

(4) Refusing amendment would in fact lead to injustice or lead to multiple litigation;

(5) Whether the proposed amendment constitutionally or fundamentally changes the nature and character of the case? and

(6) As a general rule, the court should decline amendments if a fresh suit on the amended claims would be barred by limitation on the date of application.”

7. Having considered the submissions made by learned counsel for the petitioner and the order under challenge, as also the law on the subject, I find that there is absolutely no illegality in the said order warranting interference. Accordingly, the revision petition is dismissed.

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

(VIKRAM AGGARWAL)
JUDGE

March 12, 2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No