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

(218)

CR-1188-2025

Date of Decision: - 25.09.2025

**Balbir Singh and others****....Petitioners****Versus****State of Punjab and others****....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. J.S. Khiva, Advocate  
for the petitioners.

Mr. Sandeep Singh, AAG, Punjab  
for respondents No.1 to 4.

Mr. Hitesh Kumar Sammi, Advocate  
for respondent No.5.

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**VIKAS BAHL, J. (ORAL)**

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 14.02.2025 (Annexure P-9) passed by Civil Judge (Junior Division), Rajpura, District Patiala.

2. Learned counsel for the petitioners has submitted that the petitioners had filed a suit for mandatory injunction and permanent injunction in the year 2019 and had moved an application dated 06.02.2025 under Order 6 Rule 17 CPC for amendment of the plaint in



order to add the prayer to the effect that the physical possession of the suit property be delivered to the plaintiffs. It is further submitted that the said amendment is necessary for proper and final adjudication of the case and the petitioners would suffer irreparable loss in case the said amendment is not allowed. It is argued that the order dated 14.02.2025 vide which the amendment application has been rejected, be set aside.

3. Learned counsel for the respondents have submitted that in the present case, the suit was filed in the year 2019 and the application for amendment was filed on 06.02.2025 and thus, on the date when the application for amendment was filed, the prayer of the plaintiffs seeking possession was barred by limitation. It is further submitted that in case the amendment is allowed and the same is taken to be from the date of the plaint, then, the rights of the respondents would be prejudiced. It is submitted that in case the said amendment is to be allowed, then, the same should be taken from the date of the application dated 06.02.2025 and not from the date of the plaint and the issue of limitation with respect to additional prayer sought to be made should be kept open and the respondents should be permitted to raise the said plea at the time of final arguments. It is also submitted that the petitioners should be burdened with costs for delaying the proceedings and they should not be permitted to lead any further evidence as the same would delay the proceedings.

4. Learned counsel for the petitioners in view of the strong objections raised by the learned counsel for the respondents, has submitted that the petitioners are ready to pay reasonable costs and has



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further submitted that the petitioners would not lead any further evidence, as the case is fixed for arguments. It is submitted that in case, the aspect of limitation is to be considered, then, even the petitioners be permitted to raise all pleas as are available to them in law.

5. Keeping in view the above-said facts and circumstances and the fair stand taken by learned counsel for the petitioners and also by learned counsel for the respondents, the present revision petition is partly allowed and the impugned order dated 14.02.2025 (Annexure P-9) is set aside with the following observations/directions: -

- (i) The petitioners would be permitted to amend the plaint as prayed for in the application dated 06.02.2025 but the additional prayer as sought in the application, for the purpose of limitation, would be considered from the date of the application dated 06.02.2025 and not from the date of filing of the suit i.e. 14.05.2019.
- (ii) It would be open to both the parties to raise all pleas with respect to additional prayer made including the plea of limitation, which would be taken into consideration by the trial Court at the stage of final adjudication by taking the date of the additional prayer having been instituted on 06.02.2025.
- (iii) The petitioners would not be permitted to further lead any evidence as the case is stated to be fixed for arguments.
- (iv) The petitioners would pay the cost of Rs.10,000/- within a

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period of 15 days from today before the trial Court and on doing so, the trial Court would release the said amount to respondent No.5-defendant No.5/gram panchayat.

**September 25, 2025**  
*naresh.k*

**( VIKAS BAHL )**  
**JUDGE**

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No