



CR-5433-2024 (O&M)

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

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**CR-5433-2024 (O&M)
Decided on :- 13.08.2025**

Abhinav Sihag

...Petitioner

VERSUS

Anita Jyani

...Respondent

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Rajesh Narang, Advocate for the petitioner.

Mr. Ramesh Chand Sharma, Advocate for the respondent.

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MANDEEP PANNU J.

1. The present civil revision petition has been filed by the petitioner/plaintiff assailing the order dated 03.09.2024 passed by the learned Civil Judge (Junior Division), Fazilka, whereby the application under Order VI Rule 17 of the Code of Civil Procedure, 1908 (for short, 'CPC') for amendment of the plaint has been dismissed.

BRIEF FACTS

2. Brief facts relevant to the present *lis* are that the plaintiff filed a suit on 29.09.2020 seeking a declaration that he is the owner in possession of the suit property and that the sale deed dated 15.06.2020 executed in favour of the defendant is null and void on account of fraud and non-payment of sale consideration. The defendant, in her written statement, pleaded that the entire sale consideration had been paid and the cheque mentioned in the sale deed had been



duly encashed in the plaintiff's account. An application under Order VII Rule 11 CPC for rejection of the plaint was filed by the defendant, which was dismissed on 15.01.2024. Thereafter, the plaintiff moved an application dated 08.08.2024 under Order VI Rule 17 CPC seeking amendment of the plaint to add an alternative relief of recovery of sale consideration of ₹30,35,000 with interest, in case the main relief of declaration was not granted. The learned trial court dismissed the application holding that the proposed amendment introduced a distinct and inconsistent cause of action, thereby changing the nature of the suit.

Submissions Of Counsel For The Parties

3. Learned counsel for the petitioner contends that the amendment is only clarificatory and seeks an alternative relief based on the same transaction. It is necessary to avoid multiplicity of proceedings.

4. *Per contra*, learned counsel for the respondent contends that the relief of recovery of money is based on a separate cause of action and is fundamentally different from a declaratory suit. He further contends that allowing such an amendment would alter the very character of the suit and cause prejudice to the defendant. He further submits that the trial court has rightly dismissed the application.

5. I have heard learned counsel for the parties and gone through the record carefully.

Findings

6. It is a settled proposition of law that a relief for declaration and a relief for recovery of money are legally distinct in nature and character. A suit for declaration determines status or rights in respect of property, whereas a suit for recovery is a money claim requiring separate valuation, court fee, and evidence.



An alternative relief that is totally different from the main relief, and not merely ancillary, cannot be introduced by way of amendment, as it would amount to substituting a new cause of action and changing the nature of the suit.

7. In the present case the original suit is for a declaration that the sale deed is null and void. The proposed amendment seeks a money decree for recovery of ₹30,35,000 with interest in the alternative. This is not an ancillary or consequential relief but a wholly different relief requiring distinct pleadings, valuation, court fee, and evidence. The cause of action for a recovery suit is different from that of a declaratory suit; combining the two would amount to converting the suit into one of an entirely different character. Thus, an alternative relief of recovery cannot be allowed to be introduced by way of amendment where it is founded on a cause of action that is distinct from, and inconsistent with, the original cause of action in the plaint.

8 There is no illegality in the impugned order dated 03.09.2024 passed by the learned trial Court. The same is, hereby, upheld and the present revision petition is dismissed.

9. Pending application(s), if any, also stand disposed off.

August 13, 2025
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(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No