



CR No.6154 of 2025(O&amp;M)

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

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CR No.6154 of 2025(O&amp;M)

Date of Decision: 10.09.2025

**Karamjit Singh**

... Petitioner

VERSUS

**Balwinder Kaur**

... Respondent

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Chanakya Batta, Advocate  
for the applicant-petitioner.

Mr. Dinesh Nagar, Advocate  
for the respondent.

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**VIKAS BAHL, J. (ORAL)****CM-18301-CII-2025**

1. This is an application under Section 151 CPC for placing on record the correct impugned order dated 08.08.2025 passed by learned Civil Judge, Jr. Division, Dasuya.

2. For the reasons mentioned in the application, same is allowed and order dated 08.08.2025 is taken on record subject to just exceptions.

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1. This is a revision petition under Article 227 of the Constitution of India for setting aside the order dated 08.08.2025 (correct order having been annexed with CM-18301-CII-2025) passed by learned Civil Judge, Jr. Division, Dasuya vide which application filed under Order 6 Rule 17 CPC for amendment of plaint has been partly allowed.

**ARGUMENTS ON BEHALF OF THE PETITIONER:-**

2. Learned counsel for the petitioner-plaintiff submits that the petitioner had filed a suit for permanent injunction restraining the defendant from interfering in his peaceful possession on the suit land. It is submitted that the plaintiff had taken the land on lease from Surinder Singh s/o Pritam Singh vide Lease Deed/Patanama dated 08.01.2019 for a period of 8 years and thereafter on 20.04.2022, the said lease deed was extended till May, 2025. It is stated that thereafter Surinder Singh died and his legal heirs namely Gurinder Kaur Dhatt, Amritjot Kaur Dhatt and Gurnit Kaur Dhatt had extended the lease from May, 2025 to May, 2030. It is stated that the said extension by the legal heirs of Surinder Singh was during the pendency of case and thus, the said subsequent events could not be incorporated in the original plaint. It is stated that the plaintiff had filed an application for amendment of plaint to incorporate the fact with respect to the subsequent lease deed executed by legal heirs. It is further submitted that the second amendment sought in the amendment application was on account of an inadvertent error, inasmuch as, instead of May 2025; May 2023 was mentioned in para 2 of the plaint.

3. It is argued that the trial Court vide order dated 08.08.2025 had allowed the amendment with respect to typographical mistake but had not allowed the amendment with respect to the averments made with regard to extension of lease deed by LRs of Surinder Singh. It is further submitted that since the present suit is a suit for permanent injunction, thus, the petitioner-plaintiff wishes to show that not only Surinder Singh had extended the lease deed in favour of the petitioner but also his LRs had further extended the said lease deed during the pendency of suit. It is further argued that the said



amendment could not have been incorporated despite due diligence as the said extension had not taken place at the time of filing of the original plaint. It is thus, prayed that the present revision petition be allowed and the impugned order to the extent that the application for amendment had been dismissed, be set aside and the application filed by the petitioner for amendment be allowed in toto.

**ARGUMENTS ON BEHALF OF THE RESPONDENT:-**

4. Learned counsel for respondent, on the other hand, has opposed the present petition and has submitted that there is an interim injunction in favour of the petitioner and for the said reason, he is delaying the matter. It is further submitted that respondent had filed civil revision bearing No.3442 of 2025, which was disposed of by the Coordinate Bench of this Court vide order dated 10.07.2025 directing the Court to expedite the trial. Learned counsel for the respondent has, however, submitted that in case the amendment is allowed, then the petitioner should not be granted any opportunity to lead further evidence as the evidence of the petitioner have already been closed.

5. Learned counsel for the petitioner does not dispute the fact that the evidence of the petitioner has already been closed.

**ANALYSIS AND FINDINGS:-**

6. This Court has heard learned counsel for the parties and perused the paper book.

7. It is not in dispute that the suit for permanent injunction was filed by the petitioner in the year 2022 and the lease deed/Patanama dated 08.01.2019 stated to have been executed by Surinder Singh s/o Pritam Singh, was relied upon by the plaintiff to prima facie prove his possession. During



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the pendency of suit, the plaintiff had moved an application under Order 6 Rule 17 CPC for amendment of the plaint on two grounds; the first ground being that there was an inadvertent typographical error, inasmuch as, in para 2 of the plaint, instead of May 2025 it was wrongly mentioned as May 2023 and that amendment sought on that account was allowed vide order dated 08.08.2025. The second amendment sought was mentioned in paragraph 7 of the application under Order 6 Rule 17, which is reproduced as under:

*“That the plaintiff therefore wants to amend the plaint and wants to add para no. 5-A in the plaint as "That during the pendency of the present case the Surinder Singh expired leaving behind his Legal Heirs namely 1. Gurinider Kaur Dhatt widow 2. Amritjot Kaur Dhatt Daughter 3. Gurnit Kaur Dhatt Daughter. It is pertinent to mention here that after the death of Surinder Singh his Legal Heirs inherited the proprietary rights in the property and they extended the lease from May 2025 to up till May 2030 for their share of the land and further the other co-owner namely Kuljit Singh son of Beant Singh also extended the lease period from 15-05-2023 uptill next 5 years. (The copies of the lease deeds dated 27-03-2023 and lease deed dated 12-05-2025 are attached herewith AND further wants to made amendment of the year in para no.2 of the plaint from “May 2023” to “May 2025”.*

A perusal of the above paragraph would show that the petitioner wanted to incorporate the fact that during the pendency of present case, said Surinder Singh expired and left his LRs and his LRs had also extended the lease from May 2025 uptill May, 2030. The said amendment has been declined by the trial Court. It is not in dispute that the averments made in the abovesaid paragraph and the amendment sought with respect to the said facts, are subsequent to the filing of the suit, which was filed in the year 2022 and thus, despite due diligence, the petitioner could not have incorporated the said facts at the time of institution of the suit in the year 2022. The application is stated to be filed on 29.05.2025, immediately after the execution of the lease



deed and thus, the petitioner-plaintiff had sought the amendment immediately after the event had occurred. It cannot be said that the amendment is not necessary, inasmuch as, the present suit is a suit for permanent injunction and thus, both the parties would make an endeavour to plead and to prove that they are in possession of the property in question.

8. It is a matter of settled law that, at the time of deciding the application for amendment under Order 6 Rule 17 CPC, the Court is not required to adjudicate upon the plea proposed to be incorporated / added and is primarily required to consider as to whether the amendments are necessary for determining the real question in controversy. Reference in this regard can be made to the judgment of the Hon'ble Supreme Court of India in the case of ***Rajesh Kumar Aggarwal & Ors. vs. K.K. Modi & Ors. reported as 2006(4) SCC 385***. The relevant portion of the said judgment is reproduced hereinbelow:-

*“13. The object of the rule is that Courts should try the merits of the case that come before them and should, consequently, allow all amendments that may be necessary for determining the real question in controversy between the parties provided it does not cause injustice or prejudice to the other side.*

xxx xxx xxx

***17. While considering whether an application for amendment should or should not be allowed, the Court should not go into the correctness or falsity of the case in the amendment. Likewise, it should not record a finding***



*on the merits of the amendment and the merits of the amendment sought to be incorporated by way of amendment are not to be adjudged at the stage of allowing the prayer for amendment. This cardinal principle has not been followed by the High Court in the instant case.*

xxx xxx xxx

*Since the Court has entered into a discussion into the correctness or falsity of the case in the amendment, we have no other option but to interfere with the **order** passed by the High Court. **Since it is settled law that the merits of the amendment sought to be incorporated by way of amendment are not to be adjudged at the stage of allowing prayer for amendment, the order passed by the High Court is not sustainable in law as observed by this Court in Sampath Kumar vs. Ayyakannu and Another, (2002) 7 SCC 559.***

9. Learned counsel for the petitioner has not disputed the fact that his evidence has already been closed by order and also the fact that CR-3442-2025 has been disposed of by the Coordinate Bench of this Court vide order dated 10.07.2025, by observing that the Court would make endeavour to expedite the trial. In the said circumstances, learned counsel for the petitioner has submitted that he would not lead further evidence with respect to said aspect sought to be added and has also submitted that since amended plaint is already prepared, they would place the same on record, if not already placed



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on record, on or before 13.09.2025 and would thus, not in way delay the proceedings.

10. Keeping in view the abovesaid facts and circumstances, the present petition is partly allowed and the impugned order dated 08.08.2025 (correctly typed copy of which is annexed with the application bearing No.18301-CII-2025) is set aside to the extent that the application for amendment under Order 6 Rule 17 filed by the petitioner was dismissed and the said application is allowed *in toto* with the following directions/observations:

i The petitioner would place on record the amended plaint, if not already on record, on or before 13.09.2025 by moving an application in the said regard before the trial court.

ii It would be open to the respondent-defendant to file the amended written statement to the amended plaint within a period of one week thereafter.

iii As undertaken before this Court, the petitioner would not lead further evidence on the said aspect, as his evidence has already been closed by order.

**10.09.2025**

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**( VIKAS BAHL )  
JUDGE**

*Whether speaking/reasoned* : Yes/No  
*Whether reportable* : Yes/No