



CR-6451-2025 (O&amp;M)

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

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**CR-6451-2025 (O&M)  
Decided on :- 15.09.2025**

Jaspal Singh

...Petitioner

VERSUS

Jaswinder Singh

...Respondents

**CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU**

Present: Mr. Dharamveer Banyal, Advocate for the petitioner.

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**MANDEEP PANNU J.**

1. The present revision petition has been filed under Article 227 of the Constitution of India by the petitioner-defendant Jaspal Singh for setting aside the order dated 14.07.2025 passed by the Court of Civil Judge (Jr. Division), Dasuya, District Hoshiarpur, whereby the application moved by plaintiff-respondent Jaswinder Singh under Order 6 Rule 17 CPC for amendment of the application as well as affidavit has been allowed.

**Brief facts**

2. The brief facts giving rise to the present petition are that the plaintiff Jaswinder Singh filed a suit against the defendant Jaspal Singh for permanent injunction along with an application under Order 39 Rules 1 and 2 CPC in which defendants were restrained from interfering and encroaching upon the peaceful possession of the plaintiff over the suit land till further orders except in due course of law vide order dated 05.07.2022. During the pendency of the suit, the plaintiff also filed an application under Order 39 Rule 2A CPC for punishing the defendant for wilful disobedience and violation of the injunction order. In the said application, it was alleged in paragraph 3 that on 17.05.2022 the defendant forcibly



entered upon the crops despite being fully aware of the stay order. Reply to the application was filed by the present petitioner denying the entire contents. Thereafter, the plaintiff moved an application under Order 6 Rule 17 CPC for amendment of the application as well as the affidavit on the ground that in the application under Order 39 Rule 2A CPC the date had been incorrectly mentioned as 17.05.2022 in place of 17.07.2022, which was a typographical mistake and required to be corrected for the proper adjudication of the case. It was pleaded that the proposed amendment would not change the nature of the case and was necessary for the decision of the real controversy.

3. The said application was opposed by the defendant by filing reply wherein it was submitted that the plaintiff had already availed more than twenty opportunities to conclude his evidence and when the case was fixed for cross-examination of his witnesses, the present application was moved only with a view to introduce a new cause of action by changing the date of the alleged violation.

4. The learned Civil Judge (Jr. Division), Dasuya, however, after hearing the parties, allowed the application under Order 6 Rule 17 CPC. It was observed that the proposed amendment was only clerical and typographical in nature and necessary for the correct adjudication of the matter. It was further held that such amendment did not change the nature of the case and no prejudice would be caused to the opposite party. Reliance was placed upon the judgment of the Hon'ble Supreme Court in *Rajesh Kumar Aggarwal v. K.K. Modi and others*, (2006) 2 SCC 385, wherein it was held that amendment of pleadings should be liberally allowed since procedural technicalities ought not to impede the cause of justice. Accordingly, the application was allowed.



5. Feeling aggrieved, the defendant has filed the present revision petition contending that the impugned order suffers from illegality.

**Submissions of learned counsel for the petitioner**

6. The principal argument of learned counsel for the petitioner is that once the application under Order 39 Rule 2A CPC was already at the stage of evidence, the trial in the matter had commenced, and therefore the amendment could not have been permitted unless the Court recorded its satisfaction that in spite of due diligence the party could not have raised the matter earlier. It is urged that this requirement under the proviso to Order 6 Rule 17 CPC has not been satisfied. According to the petitioner, by introducing a different date the plaintiff seeks to bring in a new cause of action, and the impugned order is therefore liable to be set aside.

**Findings**

7. I have considered the submissions and perused the record. A perusal of the contempt application under Order 39 Rule 2A CPC shows that the date of alleged violation was mentioned as 17.05.2022, which is admittedly prior to the order dated 05.07.2022 granting interim injunction. This itself shows that the date was wrongly mentioned and is a clerical mistake. The amendment sought only corrects the date to 17.07.2022, which is consistent with the factual situation. The nature of proceedings remains unchanged and no new cause of action is being pleaded.

8. The proviso of Order 6 Rule 17 CPC no doubt places an embargo on amendments after commencement of trial, but it is equally well settled that amendments which are necessary for determining the real controversy and which do not alter the cause of action or nature of proceedings should be permitted.



9. Procedural laws are intended to advance justice and should not be interpreted to defeat substantial rights. In the present case, correction of a date, which on the face of it was wrongly stated, falls squarely within the ambit of permissible amendment.

10. The trial Court has exercised its discretion judiciously and in accordance with law by holding that the amendment is necessary to enable effective adjudication of the controversy. No jurisdictional error, perversity or illegality is found in the impugned order which may warrant interference in exercise of supervisory jurisdiction under Article 227 of the Constitution.

**Conclusion**

11. In view of the above discussion, finding no merit in the present revision petition, the same stands dismissed.

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

September 15, 2025

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Whether speaking/non-speaking : Speaking

Whether reportable : Yes/No

**(MANDEEP PANNU)**

**JUDGE**