



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
125 CR-2587-2025 (O&M)

Date of Decision: April 30, 2025

Sukhwant Singh

.... Petitioner

Versus

Kuldip Singh and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. A. S. Khinda, Advocate

for the petitioner.

NIDHI GUPTA, J. (ORAL)

1. The present revision petition has been filed by the defendant under Article 227 of the Constitution of India laying challenge to the order dated 18.03.2025 (Annexure P-9) whereby the application filed by plaintiff/respondent No.1 herein under Order 6 Rule 17 CPC has been allowed.
2. Learned counsel for the petitioner submits that the plaintiff/respondent No.1 herein, had filed a suit for declaration to the effect that he is co-sharer in the electric motor connection as described in the plaint. It is submitted that civil suit was filed on 21.01.2023; written statement was filed by the petitioner on 02.07.2023; replication was filed by the respondent on 14.09.2023; and issues were framed by the trial court on 28.10.2024. Whereas the present application (Annexure P-7) under Order 6 Rule 17 CPC has been filed on 25.02.2025; *after* the cross-examination of the plaintiff has been partly conducted.



3. Learned counsel contends that it is established position in law that amendment cannot be permitted after commencement of trial. It is accordingly prayed that the impugned order be set aside as it suffers from material legal error.
4. No other argument has been raised by learned counsel for the petitioner.
5. I have heard learned counsel and perused the case file in great detail.
6. I find no merit in the submissions made on behalf of the petitioner. No doubt, the time frame of the case as enumerated above is correct; and that issues were framed on 28.10.2024. It is also admitted legal position that amendment ought not be permitted after commencement of trial. However, the facts and circumstances of each case are different; and also, the nature of amendment is to be seen. In the present case, the only amendment sought by the plaintiff and allowed vide the impugned order, is that in the suit the plaintiff had inadvertently, incorrectly, mentioned that the motor connection was installed in land bearing Khewat/Khata No.2/5, Khasra no. 191/2/5-0; whereas an actual fact, the motor connection is installed in Khewat/Khata No.2/6 Khasra No.194/10-15 situated in village Jairampur, Tehsil and District Kapurthala. This was the short amendment sought by the respondent. The respondent has only sought to amend the Khewat/Khata No. And Khasra No., as such nature of the suit has not changed neither is any prejudice caused to the petitioner.
7. It has not been denied by learned counsel for the petitioner that no prejudice shall be caused to the petitioner if the amended/correct Khewat/Khata no. is incorporated in the Civil Suit.
8. In view of the above, the instant revision petition is **dismissed**.



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

April 30, 2025

(NIDHI GUPTA)

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JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No