
(1998) 07 P&H CK 0155
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 4759 of 1996

Mata Narinjan Kaur

APPELLANT

Vs

Bhagwant Bhajan Singh and Others

RESPONDENT

Date of Decision : 22-07-1998

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 6 Rule 17

Citation : (1998) 120 PLR 416

Hon'ble Judges : T.H.B. Chalapathi, J

Bench : Single Bench

Advocate : S.C. Mohunta and Pradip Bhandari, for the Appellant; B.R. Mahajan, for the Respondent

Final Decision : Dismissed

Judgement

T.H.B. Chalapathi, J.—This revision petition is filed challenging the order of Civil Judge (Jr. Division), Ajnala, dated 1.3.96 whereby the application for amendment of the plaint was rejected.

2. The plaintiff filed the suit for a declaration that he is owner-in-possession of the suit land and for an injunction restraining the defendants from interfering with the peaceful possession of the plaintiff. A reading of the original plaint clearly shows that the plaintiff claimed to be the owner of a particular property which, according to her, was purchased by her and that the income of the said land is being used for maintenance of langer (free kitchen) attached to the Gurdwara. In the amendment sought for, the plaintiff is seeking the relief that the suit property and some other property including Gurdwara belong to her. She is claiming the Gurdwara and the property attached to it to be treated as her personal property and she wants to introduce a totally new case by way of amendment. The amendment if allowed will alter the entire character of the suit. Therefore, the learned Civil Judge rightly observed that the proposed amendment will introduce a new and inconsistent claim of the plaintiff and it will also alter the basic nature and structure of the suit. On going through the

original plaint and the amendment sought, I entirely agree with the learned Civil Judge. I do not, therefore, find any ground warranting interference with the order of the civil court.

3. At this stage, the learned counsel for the petitioner made a prayer that he may be allowed to withdraw the suit with permission to file a fresh comprehensive suit. Such a request has to be made to the trial court which is to decide whether to grant permission or not, keeping in view the provisions of Order 23 Rule 1(3) CPC.