

Laxmi Narain Mandir and Shivala vs. Suresh Kumar

CMPMO No. 279 of 2026

05.06.2026 Present: Mr. Sanjeev Kumar Suri, Advocate, for the plaintiff/appellant.

CMP No. 13264 of 2026

Heard.

The petitioner/plaintiff/appellant had filed a civil suit before Learned Senior Civil Judge, Court No.1, Amb, Una, H.P. (learned Trial Court) in which issues were framed on 27.05.2019. The plaintiff subsequently filed an application under Order 6 Rule 17 CPC for amending the plaint asserting that the defendant raised a shed (Mark MNOP) of dimensions 4x3 sq. mtrs in June, 2024. He also installed the electricity meter over this tin shed. The defendant dug foundation over the vacant portion of the suit land on 15.06.2025. Hence, an amendment was sought to incorporate this fact in the plaint.

The learned Trial Court dismissed the application after holding that the applicant had failed to show any due diligence and the amendment could have been sought before the commencement of the trial. It was further held that the application was filed an ulterior

purpose because the application for withdrawal of suit was dismissed.

Prima facie both the reasons are vulnerable. The facts sought to be incorporated by the application occurred after the framing of issues or the commencement of the trial and the application for amendment could not have been dismissed simply because the application for withdrawal was dismissed by the Court. Hence, in these circumstances issue notice to the defendant/respondent returnable within four weeks.

The proceedings pending before the learned Trial Court shall remain stayed till the next date of hearing.

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List the matter before appropriate Bench after four weeks.

(Rakesh Kainthla)
Judge

5th June, 2026
(Nikita)