

Court No. - 36

Case :- CIVIL REVISION No. - 141 of 2024

Revisionist :- Smt. Resham Devi (Since Deceased) And Another

Opposite Party :- Rakesh Singh And 7 Others

Counsel for Revisionist :- Pooja Agarwal

Hon'ble Alok Mathur, J.

1. Heard Ms. Pooja Agarwal, learned counsel for the revisionists.
2. It has been submitted by learned counsel for the revisionists that a suit was preferred by the opposite parties with specific prayer of restraining the respondents from evicting the plaintiffs. It is submitted that claim was made by the plaintiffs placing reliance on a will deed dated 11.07.2000 on the basis of which they claimed ownership of the disputed property, which was owned by their predecessor in interest Lallu Singh who died on 31.12.2004. The revisionists claimed ownership over the disputed property on the basis of will deed executed by their mother Resham Devi who died on 20.11.2018.
3. Grievance raised in the present revision is with regard to order dated 10.07.2024, wherein application under Order 6 Rule 17 CPC moved by the plaintiffs on 01.12.2024 has been allowed and they have been allowed to add prayer in the suit with regard to eviction of the revisionists alongwith direction for recovery of rent at the rate of Rs.1500/- per month.
4. It is submitted by learned counsel for the revisionists that though the status of plaintiffs is of *dominus litus* and they are entitled to amend prayer, but there are certain limitations while amending the prayer that the amendment shall not change the nature of the suit proceedings. It is submitted that amendment sought by the plaintiffs in the suit will change nature of the suit proceedings and accordingly pray for interference of this Court.
5. Matter requires consideration.
6. Issue notice to the opposite parties. Let necessary steps be taken within next ten days.
7. As an interim measure, it is provided that trial Court shall proceed with the suit proceedings but shall not pass final orders till the next date of listing.
8. List this case on 28.11.2024, alongwith service report.

Order Date :- 26.9.2024

A. Verma

(Alok Mathur, J.)