

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.1161 of 2015

Date of Decision: February 19, 2015

Bhagwan (Deceased) through his LRs

.....Petitioners

versus

Shanti(deceased) through her LRs and othersRespondents

CORAM: Hon'ble Mr. Justice Dr.Bharat Bhushan Parsoon.

Argued by: Mr.Sudhanshu Makkar, Advocate for the petitioner.

* * *

Dr.Bharat Bhushan Parsoon, J.

1. In this revision petition order dated 30.01.2015 of Additional District Judge, Bhiwani, whereby application for amendment of plaint was dismissed is under challenge.

2. It is claimed by the appellant-plaintiff Bhagwan (since deceased and represented by his legal representatives) that in the suit filed by him correct details of his case could not be depicted in the plaint due to misreading of the revenue record. It is claimed that plaint is to be amended in consonance with revenue record and sale deeds dated dated 14.03.2007 and 18.07.2007.

3. During the course of arguments, learned counsel for the petitioner has neither been able to show bonafides of the plaintiff in seeking amendment of the plaint nor has convinced this Court as to why details of the amendment sought could not be mentioned in the plaint earlier. To demonstrate, one instance mortgage of the land is sought to be pleaded without giving correct details of the land, date of mortgage, type of mortgage and amount of mortgage. Plea of the petitioner plaintiff is that the error in the plaint occurred as the revenue documents were in *Urdu*. It

is not a ground of merit to allow the amendment in the plaint, at this belated stage when the plaintiffs are in first appeal before the Court of Additional District Judge, Bhiwani. Entire evidence by the parties has been led with regard to the particulars of land mentioned in the plaint. Even details of land such as khasra numbers, the date of mortgage, type of mortgage and even the amount of mortgage is sought to be amended. These amendments are not to correct mere typographical errors.

4. The amendment is also not bonafide. It rather transpires that it has been sought only after decision by the lower Court went against the plaintiffs and to cover up the deficiencies pointed out in their case in the lower Court judgment which is now under appeal.

5. The impugned order is not only well-written but is elaborate wherein discussion of facts as also of attending circumstances with law applicable, has effectively been made. This revision petition, being devoid of any merit, is dismissed.

February 19, 2015
anil

(Dr. Bharat Bhushan Parsoon)
JUDGE