

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 2608 of 2015
Date of Decision: 20.4.2015.**

Radhey Shyam

.....Petitioner

Versus

Hans Raj (deceased) through LR's and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Rajesh Bansal, Advocate
for the petitioner.

SABINA, J.

Petitioner has filed this petition under Article 227 of the Constitution of India challenging the order dated 13.3.2015 (Annexure P-1) whereby application moved by the petitioner under Order 6 Rule 17 of the Code of Civil Procedure, 1908 for permission to amend the plaint, was dismissed.

I have heard the learned counsel for the petitioner and have gone through the record available on the file carefully.

In the present case, petitioner has filed suit for permanent injunction. Respondents, in their written statement, took up the plea that they were in possession of the suit property and had constructed three shops over the site in dispute. However, petitioner did not file any replication to the written statement filed by the defendants. Issues were framed on the pleadings of the parties. Now the parties have concluded their evidence. At this

stage, petitioner moved the application for permission to amend the suit by claiming the relief of mandatory injunction and possession. Learned Trial Court rightly dismissed the application moved by the petitioner as the petitioner had failed to move the application in question at the relevant stage after the respondents had filed their written statement. Now the application for permission to amend the plaint had been filed at the stage when the case is ripe for arguments.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

April 20, 2015
Gurpreet