

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

CR No. 4169 of 2015

Date of Decision: 06.07.2015

Samarjeet Singh

.....Petitioner

Vs.

Surinder Kaur and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Inder Jit Sharma , Advocate,
for the petitioner.

SABINA, J.

Petitioner has filed this petition challenging the order dated 13.01.2015, whereby application moved by the petitioner for permission to amend the plaint, was dismissed.

Learned counsel for the petitioner has submitted that by way amendment, petitioner only wants to incorporate the plea that the property in question had been purchased by deceased Gursharan Kaur from the funds of Hindu Undivided Family. Due to inadvertence, the said plea could not be taken by the petitioner at the time of filing of the plaint.

In the present case, petitioner has filed suit for declaration challenging the Will dated 03.03.2004 and the sale deeds executed by defendant No. 1 on the basis of the said Will.

Petitioner at the time of filing of the suit had pleaded that the property in question had been purchased by Gursharan Kaur. At that stage, it was not pleaded that the property had been purchased by Gursharan Kaur from the funds of Hindu Undivided Family. Thus, now by seeking amendment of the plaint, petitioner wants to set up a contradictory plea.

In the facts and circumstances of the present case, the learned trial Court rightly held that the petitioner could not be permitted to amend the plaint as by way of amendment, petitioner wants to set up a contradictory plea and the plea now sought to be taken should have been pleaded by him at the time of filing of the plaint.

Hence, no ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

July 06, 2015
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