

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.4479 of 2013(O&M)
Date of Decision.20.11.2015

Birbal Singh

.....Petitioner

Versus

Mithu Singh and another

.....Respondents

Present: Mr. Rajinder Singh Dhaliwal, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

C.M. No.24282-CII of 2015

For the reasons stated in the application, order passed by this Court on 05.11.2015 is recalled and the civil revision is restored to its original number.

Application is allowed.

C.R. No.4479 of 2013

1. After the institution of the suit in the year 2008 and completion of evidence from the side of the plaintiff and the defendant, the plaintiff wants to bring an amendment to the plaint referring to the suit property as house property. If there is evidence already, there is no new amendment which could be permitted after 7 years. The plaintiff cannot be heard to say that he did not know that he was contesting for house but there was no reference to the house in the suit. The plaintiff must take the consequences of his own indiscretion and must allow for

further progress in trial of the suit. The law of amendment has undergone a change with the Act 22 of 2002 replacing an earlier amendment brought by Act 46 of 1999 that came into effect on 01.07.2002. The amendment cannot be permitted to make reference after the commencement of the trial in respect of any matter of which the plaintiff was already aware of and which he could not omit to state by exercise of diligence.

2. I find no scope for intervention. The revision petition is dismissed.

(K. KANNAN)
JUDGE

November 20, 2015
Pankaj*