

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(109)

CR No.4846 of 2015

Decided on: August 04, 2015.

Dr. Kuldeep Singh

.... Petitioner

Versus

Nirmal Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. C.L. Verma, Advocate,
for the petitioner.

M.M.S. BEDI, J (ORAL)

Vide impugned order, an application filed by the plaintiff-petitioner under Order 6 Rule 17 CPC for amendment of the plaint has been dismissed.

With the assistance of learned counsel for the petitioner, I have gone through the application for amendment of the plaint filed by the plaintiff-petitioner.

Perusal of the amendment which is sought to be incorporated indicates that during pendency of the suit on the basis of some settlement, the matter was compromised and the plaintiff traced out some registered documents including the sale deed dated 16.08.1971 which had been executed by his father Amrik Singh. The trial Court, while dismissing the application has observed that the suit was filed by the plaintiff-petitioner in the year 2004 whereas the issues were framed in the year 2007. The trial is pending for the last eight years. The documents which have been admitted

by the plaintiff in his cross-examination are sought to be questioned incorporating the registered documents in the pleadings.

I have heard learned counsel for the petitioner and carefully considered the facts and circumstances of the case.

The plea sought to be incorporated by way of amendment cannot be permitted at a belated stage after the trial has commenced.

It has been informed that the case is at the stage of recording of defendant's evidence.

I do not find any ground to interfere in the order.

Learned counsel for the petitioner has relied upon judgment of this Court in **Sumeer Jassal Vs. Smt. Pushpa Rani and others, 2012 (3) PLR 311** that pleadings can be permitted to be amended even after the commencement of the suit. There is no controversy regarding the said legal proposition. In case, it is felt necessary for determining the real question between the parties by permitting the amendment, in such circumstances, the discretion can be exercised by the Court by permitting the amendment of the pleadings. In the present case, the amendment appears to be a device to prolong litigation.

Dismissed.

(M.M.S. BEDI)
JUDGE

August 04, 2015
harsha