

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 4951 of 2015 (O&M)
Date of decision: 6.8.2015

Ahsan and others

.. Petitioners

v.

Ismail and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Rajesh Lamba, Advocate for the petitioners.

...

Rajesh Bindal J.

Challenge in the present petition is to the order dated 3.7.2015, passed by the court below, vide which the application filed by the petitioners-plaintiffs seeking to amend the written statement filed to the counter-claim filed by the defendants in the suit, was dismissed.

It is not in dispute that the case was fixed for arguments after completion of pleadings and the evidence when the application in question was filed. It has been noticed by the court below in the impugned order that this was the fourth application filed by the plaintiffs seeking amendment in the pleadings. Further, for seeking amendment after commencement of trial, a party is to plead and satisfy the court that despite due diligence, the amendment sought to be made could not be pleaded earlier. For the purpose, reference can be made to the judgment of this court in Civil Revision No. 2923 of 2014-- S. Sukhwinder Singh v. Veena Rani and

others, decided on 22.7.2015. However, there is no such averment in the application for amendment filed, hence, requirement of law has not been satisfied.

Accordingly, the present petition is dismissed.

(Rajesh Bindal)
Judge

6.8.2015
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