

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

**Civil Revision No.5046 of 2015
Date of Decision: August 11, 2015**

Jai Singh Petitioner

vs.

Kanwar Singh and others Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Sandeep Kumar Yadav, Advocate for the petitioner.

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

Challenged in the present revision petition is the order dated 31.07.2015 passed by learned Civil Judge (Jr. Divn.), Mohindergarh, vide which the application of the defendant-petitioner for amendment in the written statement was dismissed.

By way of amendment, the defendant-petitioner wants to raise plea that the suit is barred under Section 13A of the Village Common Land Act, 1961.

A perusal of the impugned order shows that the case is probably fixed for arguments. This appears to have weighed in the mind of the lower court to dismiss the application.

I am of the view that the legal plea can always be raised even at the stage of arguments.

It being so, the present revision petition is dismissed with liberty to the petitioner to raise such legal plea before the lower court, during the course of arguments.

If such plea is raised before the lower court, the same shall be considered and decided on merits.

Accordingly, the present revision petition is dismissed with aforesaid liberty.

August 11, 2015
sarita

(KULDIP SINGH)
JUDGE