

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 5126 of 2013 (O&M)

Date of decision: 07.04.2015

Meena Thakur and another

... Petitioners

versus

Krishan Rana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Ms. Sunita Nambiar, Advocate, for
Mr. Sunil Agnihotri, Advocate for the petitioners.

Mr. Chander Kant Rana, Advocate, for
Mr. Satbir Rathore, Advocate for respondent No.2

K.Kannan, J.

There is a prayer for an adjournment on the either side. I decline the same and I have proceeded to pass the order by examining the case file.

The petition is against the dismissal of the petition for the amendment of the plaint brought for a plea that the defendants had unlawfully entered upon the property after the institution of the suit and consequently praying for joint possession along with the defendants. The petition was resisted on the ground that the plaintiff's side had been closed after bringing an amendment by impleadment of defendant Nos. 4 and 5 and even at that time the plaintiff could have suitably amended the action for possession, but, persisted with the suit in the manner in which it was framed and only it was posted for the defendants side, the plaintiff was filing an application for amendment. The Court below has passed an elaborate order considering the effect of amendment under Order 6 Rule 17 limiting the exercise to be allowed only in rare instances where a person could not brought inspite of due diligence, a particular averment now sought to be brought to the

amendment. The Court has also considered the case laws on the subject rendered both by the Supreme Court and this Court for a restrictive approach for bringing amendment after the commencement of trial. I do not find that there is any error in the order for an interference. The case shall be taken at the trial Court from the time when it was stayed and proceed to dispose of the case as expeditiously as possible.

There is not even an averment in the petition anywhere as to when the dispossession took place. It appears that 5th respondent has expired and steps have not been taken. If any application for impleadment is brought for bringing the legal representatives of 5th respondent on record, the Court shall allow the same and proceed with the trial in accordance with law.

The civil revision petition is dismissed with above observations.

07.04.2015
kv

(K.KANNAN)
JUDGE