

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

Date of decision:02.02.2015.

Kulwant Singh and another

.....Petitioners

v.

Bharat Bhushan and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.DS Pheruman,Advocate for the petitioners

Jaswant Singh,J.(Oral)

Defendants 9 and 10, who are subsequent vendees, are in revision aggrieved by the order dated 14.1.2015 (P-1) passed by Additional Civil Judge (Senior Division)Batala whereby their application for amendment of the written statement has been dismissed.

It is apparent that respondent no.1/plaintiff-Bharat Bhushan filed a suit for declaration to the effect that plaintiff and defendant no.1, who is cousin, are co-owners in joint possession of land measuring 11K5M being their share out of total land described in the plaint being the only legal heirs of Smt.Veero Devi, their grand mother, on the basis of a registered Will dated 11.8.1997 with consequential relief of permanent injunction restraining defendants 9 and 10 from alienating the suit land in any manner. Defendants 2 to 8 are rest of the family members. Petitioners/defendants 9 and 10 are stated to be owner in possession of said 11K5M on the basis of two registered sale deeds

dated 8.5.2009 for a consideration of Rs.9,80,000/- executed in their favour by defendant no.2-Chaman Lal who is uncle of the plaintiff.

It is conceded that after the evidence of the defendants has been closed on 5.11.2014, application dated 5.12.2014 (P-3) has been made for amendment to add para 5-A explaining circumstances and permitting the plea of bona fide purchaser, which has been dismissed vide impugned order, on the ground that the applicants/defendants had failed to show due diligence while filing the original written statement while acknowledging that allowing amendment at the stage of final arguments would amount to de novo trial.

After making submissions at great length and having failed to convince the Court, learned counsel prays for permission to withdraw the present revision petition.

In view of the statement made at the Bar, present revision petition is dismissed as withdrawn.

02.02.2015
joshi

(Jaswant Singh)
Judge