

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 5942 of 2015 (O/M)
Date of decision : 11.9.2015

Kewal Krishan

..... Revisionist

Versus

Kamlesh Devi now deceased represented
through her LRs

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Vikas Mohan Gupta, Advocate, for the revisionist.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

:-

:-

KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 26.8.2015 (Annexure-P-10), passed by the learned Civil Judge (Junior Division), Patiala, vide which the application of the defendant/revisionist for amendment of the written statement, was dismissed.

By way of amendment, the defendant/revisionist wants to take the plea of adverse possession as an alternative plea. Admittedly, in this case, the trial has already commenced. The plea of the learned counsel for the defendant/revisionist is that earlier the

CR No. 5942 of 2015 (O/M)

plaintiff was asked to produce the sale deeds alleged in the plaint, but the same were not produced and now, these have been produced. Therefore, the defendant/revisionist wants to take plea of adverse possession.

I am of the view that the plea of adverse possession is a new plea. In this case, the trial has already commenced. Therefore, no new plea can be allowed to be taken, which was earlier within the knowledge of the defendant/revisionist. There is no illegality or infirmity in the impugned order.

The present revision is accordingly dismissed.

(KULDIP SINGH)
JUDGE

11.9.2015
sjks