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

CR No.6007 of 2014

Date of decision: April 23, 2015

Karamjeet Kaur Grewal and another

.....Petitioners

Versus

Gunwant Kaur and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. R.K. Handa, Advocate
for the petitioners.

SABINA, J

Petitioners have filed this petition challenging the order dated 07.05.2014, whereby application moved by the petitioners under Order 6 Rule 17 of Code of Civil Procedure, 1908 ('CPC' for short) qua amendment of the plaint, was dismissed.

I have heard learned counsel for the petitioners and have gone through the record available on the file carefully.

Order 6 Rule 17 CPC reads as under:

“17. Amendment of pleadings - The Court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties:

Provided that no application for amendment shall be allowed after the trial has commenced, unless the Court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of trial.”

In the present case, petitioners have filed suit for declaration to the effect that they were entitled to inherit the

property left by Amarjit Singh. During the pendency of the suit, petitioners moved two applications seeking amendment of the plaint and the said applications were allowed. Thereafter, petitioners moved a third application under Order 6 Rule 17 CPC for permission to amend the plaint. Now, by way of amendment, petitioners want to claim 1/3rd share of Amarjit Singh qua land situated in village Karheri bearing Khasra Nos.225(4-8), 226(7-6), 229(6-5), 230(4-8) total land measuring 22 bighas 7 biswas. The learned trial Court vide the impugned order, rightly dismissed the application moved by the petitioners, seeking amendment of the plaint as petitioners had already sought amendment of the plaint on two occasions and for the reasons best known to them, had failed to seek the relief now sought by them by way of amendment. Petitioners also wanted to challenge the sale-deed dated 13.08.2010 executed by the defendant No.1 in favour of Amandeep Singh. A perusal of the application moved by the petitioners under Order 6 Rule 17 CPC (Annexure P-1) reveals that the petitioners have not explained as to when they got the knowledge of the sale-deed dated 13.08.2010. In these circumstances, the learned trial Court rightly held that so far as the relief sought by the petitioners challenging the sale-deed dated 13.08.2010 is concerned, the same had been rendered time barred.

Hence, the impugned order calls for no interference.

Dismissed.

**(SABINA)
JUDGE**

April 23, 2015
m.singh