

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 6353 of 2012 (O&M)

Date of decision: 20.03.2015

Karaj Singh

... Petitioner

versus

Bira and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: None.

K.Kannan, J.

The revision is against the order dismissing the application for amendment of the plaint. The amendment sought was that the name of the father of defendant Nos. 9 and 10 has been wrongly given as Kulwant Singh when his name was Saudagar Singh. The other contention taken is that the suit property situate in Village Dubli, Tehsil Tarn Taran, but, actually his land situate in Jalloke, Tehsil Patti, District Tarn Taran.

The Court has declined the amendment on the ground that when the defendants filed the written statement they pointed out that the name of the father was Saudagar Singh and the plaintiff has deliberately given a false name. The plaintiff has filed a replication and reiterated that the name of the father was not Saudagar Singh and it is only Kulwant Singh, in the manner already referred to in the plaint. The Court has, therefore, observed that the plaintiff has taken a definite stand by replication and cannot be permitted to make an amendment by saying that it is a typographical mistake. I find the reasoning to be appropriate.

Even as regards, the location of the Village where the suit property situate, the Court below has observed that all the witness, namely, PW1 to PW3 have deposed the suit land to be situate only in

Village Dubli and the cross-examination has proceeded on that basis only. After the examination of witnesses, the amendment cannot be brought which would require the witnesses to be recalled and further prolongation of trial. I find that both the reasons adopted by the Courts below to decline the amendment are justified. There is no scope for intervention.

The civil revision petition is dismissed with above observations.

(K.KANNAN)
JUDGE

20.03.2015

kv