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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-6743-2015
Date of decision : 05.11.2015

BHAGWAN SINGH

...PETITIONER

VERSUS

RANJIT SINGH & ORS

..RESPONDENTS

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sandeep Kumar Yadav, Advocate
for the petitioner.

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RITU BAHRI, J. (ORAL)

The petitioner has come up in civil revision for setting aside the order dated 14.09.2015 passed by the learned Civil Judge (Junior Division), Mohindergarh vide which the application for amendment in the plaint has been allowed and the respondent/plaintiff has been granted permission to amend his suit.

The plaintiff had filed the suit for partition (Annexure P-1) on 21.02.2011 and the written statement on behalf of the defendant was filed on 10.06.2011. Thereafter, on 17.09.2013, the issues were framed. After framing of the issues, the present application for amendment was made on 22.12.2014, when the trial was at the stage of the recording of the evidence of the plaintiff. By the proposed amendment (Annexure P-3), the plaintiff is seeking partition of the well which is situated in the land in dispute and is lying unused and barren since long time more than sixty years. The

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amendment has rightly been allowed by the trial Court as the well situated in the land which is being sought to be partitioned between the co-sharers and it will not change the nature of the suit.

The trial Court has rightly referred to the judgment in case ***'Rajesh Kumar Aggarwal & Ors. Vs. K.K. Modi & Ors', 2006 (2) RCR 577 SC***, on the issue. Even otherwise, this Court has limited scope to interfere while exercising revisional jurisdictional.

In view of the above, no reason for interference in the order dated 14.09.2015 is made out.

The civil revision is dismissed.

(RITU BAHRI)
JUDGE

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