

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

CR No. 7372 of 2013 (O&M)
Date of decision: March 9, 2015

Rattan Singh

...Petitioner

Versus

Subash Chander and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

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

Present: Mr. Vipin Mahajan, Advocate,
for the petitioner.

Mr. Kuldip Sanwal, Advocate,
for respondents No.1 to 3.

Mr. Rajeshwar Singh Thakur, Advocate,
for respondent No.4.

K. KANNAN, J. (Oral)

1. The revision is against the dismissal of the petition seeking for amendment to include one khasra number in the preamble portion of the plaint in the suit for declaration and injunction. The entire extent of property of several khasra numbers is reported to be 8 kanals. The plaintiff's entitlement to the property filed in suit has been denied already.

2. The suit was filed in 2008 and the amendment is sought on a plea that one khasra number has been omitted to be included. The defence is that the inclusion cannot be made at this length of time. The plaintiff is a purchaser through a sale deed and one of the items in the sale had not been included. If the plaintiff made a reference to khasra number which the sale

deed does not contain and the defendants contends that the plaintiff is not entitled to such a plea, I shall allow for the defendants to take such a contention through additional written statement. I record an undertaking given by the counsel for the petitioner that he will not seek for any opportunity to lead any evidence. Having regard to the undertaking given by the counsel, I am of the view that the amendment will not cause any unnecessary delay in the trial. On the other hand, if the defendants want to file an additional written statement under Order 8 Rule 9 CPC, it shall be confined to the amendment now brought and the defendants shall also be at liberty to adduce any additional evidence if he so chooses. For the delay in approaching the court for amendment, when the case is at trial stage and witnesses having been examined already, I impose costs of Rs. 5,000/- as condition precedent. The costs to be paid to the contesting defendant (s) within two weeks from the date of receipt of a copy of this order. If the amount is not paid, the benefit of amendment allowed through this order shall be taken as withdrawn.

3. The impugned order is set aside and the revision is allowed on the above terms.

March 9, 2015
prem

(K.KANNAN)
JUDGE