

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

C.R. No. 856 of 2015

Date of decision: 09.02.2015

Sahabuddin

....Petitioner(s)

Versus

Smt. Saroj

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. S.K. Bawa, Advocate, for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

Challenge in the present revision petition filed is to the order dated 20.01.2015 whereby, the amendment of the written statement under Order 6 Rule 17 CPC has been declined. The reasoning given by the trial Court is that the plaintiff had specifically pleaded the presence of the water tank in the suit land and the defendant was very much aware of the presence of the water tank. The amendment which is sought is that the water tank is constructed by the defendant which could not be allowed and neither the fact that he was not aware of the sale deed set up by the plaintiff. Admittedly, the suit is fixed for defendant's evidence, the trial has commenced and the plaintiff had already concluded his evidence and, therefore, the amendment at this stage has rightly been declined. The suit is also for permanent injunction and the issue is of possession on the strength of sale deed set up by both the sides.

In such circumstances, even the amendment which is sought is not necessary for deciding the controversy and, therefore, the trial Court was right in declining the amendment.

Accordingly, there is no merit in the present revision petition and the same is accordingly dismissed.

09.02.2015

shivani

(G.S. SANDHAWALIA)
JUDGE