

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

Civil Revision No.8270 of 2014

Date of decision: 14.12.2015

Mandip Kaur

.....Petitioner

versus

Bhag Singh and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Jagtar Singh, Advocate for
Mr.R.S.Athwal, Advocate for the petitioner
Mr.Keshav Partap Singh, Advocate
for respondent No.1 & 2

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh, J. (Oral)

Impugned in the present revision is the order dated 2.12.2014, passed by the learned Additional Civil Judge, Senior Division, Balachaur (SBS Nagar) (Annexure P1), vide which, application of the plaintiffs for amendment of the plaint was dismissed.

Briefly stated, the plaintiffs had filed a suit for joint possession claiming that the plaintiffs and defendants constituted Joint Hindu Family and that suit property is Joint Hindu Family Coparcenary property. It is stated in the application that due to oversight, details of complete property, khasra numbers and area could not be mentioned in the plaint. Some khasra numbers were left out and the addition of such left out khasra numbers area and detail

thereof is necessary.

The lower Court took the view that the application was filed at the stage of rebuttal evidence of the plaintiff, if any and for arguments. Therefore, at the belated stage, the amendment was declined. The lower Court was also of the view that it will start de novo trial and will be a misuse of process of the Court. The amendment was within the knowledge of the plaintiff when the original plaint was filed.

I have heard learned counsel for the parties and have also carefully gone through the file.

After hearing learned counsel for the parties, I tend to agree with the view of the lower Court. The case was at the stage of rebuttal and arguments. That virtually means that arguments are to be addressed when by way of amendment not only the khasra numbers of some properties are to be given but some other properties are also sought to be added. The law relating to the amendment of the pleadings after the start of trial is not very liberal. With due diligence, the plaintiff at the time of filing the suit could know as to which properties are to be included in the plaint. The plaintiffs also knew that they are required to be mentioned details of the properties. Now at the fag end of the case, such amendment cannot allowed, even though the plaintiffs may not lead any evidence to support said amended pleadings.

Consequently, the revision is dismissed.

14.12.2015

gk

**(Kuldip Singh)
Judge**