

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.408 of 2016

Date of Decision.21.01.2016

Chhoto alias Nasib Kaur

.....Petitioner

Vs.

Labh Singh and others

.....Respondents

Present: Mr. Kashish Garg, Advocate
for the petitioner.

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?

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K. KANNAN J. (ORAL)

1. In a suit impugning the sale effected by the father as brought about by deceit and fraud and a decree which was made against his father where the father had alleged to have consented to decree being passed as a collusive one, the plaintiff brought an amendment after the conclusion of evidence of both parties that the property was ancestral. According to him, there was also a contention already in the plaint that the father had purported to have sold the property without any need. It is also contended that the defendant has accepted that the property is ancestral. If there are contentions already brought before Court that referred to the fact that the property is ancestral and that the sale that had been made, even if true, was not binding since it was not supported by any necessity, the plaintiff must succeed on the so-called contentions and what was already contained in the plaint. He cannot be permitted to make amendment of what can bring a whole new

course at the trial of examining the case of whether the sale could be supported even if deceit and fraud was not established. I will not allow for this matter to be brought at the 11th hour and if the trial Court has rejected it, I will find no error for an intervention in the revision petition.

2. The revision petition is dismissed with the above observations.

(K. KANNAN)
JUDGE

January 21, 2016
Pankaj*