

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

C.R. No.5027 of 2016

Date of Decision.08.08.2016

Kartar Singh (deceased) through LRs and othersPetitioners

Vs.

Darbara Singh and othersRespondents

Present: Mr. Ajay Pal Singh, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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?

-.-

AMIT RAWAL J. (ORAL)

The petitioners-plaintiffs are aggrieved of the impugned order whereby the application seeking amendment of the plaint under Order 6 Rule 17 CPC filed in appeal against the judgment and decree dated 22.09.2014, has been dismissed.

Mr. Ajay Pal Singh, learned counsel appearing for the petitioners submits that the suit seeking declaration and for joint possession was filed on the ground that the entry in the revenue record vide mutation No.6007 was sanctioned by the Assistant Collector IInd Grade but the same was reviewed by the Assistant Collector I Grade vide mutation No.6106 by his own order by marking presence of the petitioner-Kartar Singh, as witness as a Lambardar, whereas Kartar Singh had never been a Lambardar. The mutation aforementioned is dated 18.09.10 i.e. prior to the filing of the suit. This could not be done as per the provisions of Section 45 of the Land Revenue Act.

I have heard learned counsel for the petitioners and appraised the paper book. Once the aforementioned mutation exists prior to the filing of the suit, the amendment sought at this stage, is too late and allowing of the same would result into a *de novo* trial. There is no compliance of even the expression “despite exercise of due diligence” while filing the application at this belated stage.

I do not find any illegality and perversity in the order passed by the Court below, much less, the order cannot be said to be passed without jurisdiction. No ground for interference is made out. The revision petition is dismissed.

(AMIT RAWAL)
JUDGE

August 08, 2016
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No