

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

**CR No. 538 of 2015 (O&M)
Date of decision: 21.01.2016**

Narain Singh and another

... Petitioner

versus

Gulzar Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

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

Mr. Chetan Chauhan, Advocate for

Mr. Gursimran Singh, Advocate for respondent Nos. 2&4.

K.Kannan, J. (ORAL)

The plaintiff who has exhibited two documents of purchases, namely, on 01.04.1957 and 14.03.1956 by his predecessors has brought his plaint at a belated stage, at the stage of rebuttal to incorporate pleadings as regards two sale deeds which have been exhibited. I cannot find any particular prejudice as having been caused to the respondents since they are already on record and there is no surprise at the trial. For the sheer indiscretion of delay in bringing an amendment to the plaint, I will impose cost of Rs. 5,000/- to be paid by the petitioner to the respondent.

The order passed is set aside and the amendment is permitted to be brought and the plaintiff will have no further evidence as regards these documents. By virtue of this amendment, the defendant however will be at liberty to file the amended written statement or additional written statement under Order 8 Rule 9 to controvert any additional pleadings brought through the amendment. The statement shall be restricted only to amended portion of the plaint. If the defendant would also have some evidence on the basis of the additional pleadings, he shall also be permitted to do so.

The civil revision petition is allowed but subject to the conditions and directions given above.

21.01.2016
kv

(K.KANNAN)
JUDGE