

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.518 of 2014
Date of decision: April 21, 2017

Ranjit Kaur and another ...Petitioners

Versus

Surinder Kaur and others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Chankya Pandit, Advocate for the petitioners.
Mr. Parveen Chauhan, Advocate for respondent
Nos.1 to 4, 8 to 11 and 23.

Rajan Gupta, J.

Present revision petition is directed against the order dated 28.11.2013, passed by Civil Judge (Junior Division), Karnal, whereby application under Order 1 Rule 10 CPC and Order 6 Rule 17 CPC, filed by the petitioners, has been dismissed.

Learned counsel for the petitioners has assailed the order. According to him, proposed addition of parties as well as amendments in the plaint are necessary for just adjudication of the matter.

Plea has been opposed by learned counsel appearing for the respondents. He submits that petitioners were already aware regarding execution of the sale deeds by General Power of Attorney and also regarding further alienation of the property owned by defendant No.11, thus, plaintiffs have no right to challenge the sale deeds in question.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears, petitioner/plaintiffs filed a suit for declaration, partition with consequential relief of possession and permanent injunction against the respondent/defendants. During pendency of the suit, plaintiffs filed instant application under Order 1 Rule 10 and order 6 Rule 17 CPC for addition of parties as well as amendment of plaint on the grounds that during defendants' evidence, it has been revealed that defendant no.11 Darshan Singh had executed a General Power of Attorney on 2.11.1998 in favour of one Tajwant Singh son of Kartar Singh, who executed various sale deeds of the suit property in the years 1998 and 1999. It is alleged that since Darshan Singh was not owner of the suit property, he could not have executed any General Power of Attorney. The trial court dismissed the application, observing that almost all the witnesses of the defendants had been examined and only one witness remained to be examined. I find no infirmity with the order passed. It reveals that GPA relates to the year 1998 and sale deeds are stated to have been executed in the year 1998-99. Suit was filed on 19.07.2008 i.e. after more than 10 years of execution of the sale deeds. Therefore, it cannot be believed that plaintiffs were not aware of the execution of the alleged General Power of Attorney. Further such amendment at the fag end of the trial cannot be allowed as it would amounts to *de novo* trial. Thus, proviso to Order 6 Rule 17 CPC would be attracted to the case. I am of the considered view that the court below has

not committed any error in dismissing the application filed by the plaintiffs. There is, thus, no scope for interference in revisional jurisdiction.

Dismissed.

(RAJAN GUPTA)
JUDGE

April 21, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No