

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

CR No.5230 of 2017

Date of decision : 08.08.2017

Ram Avtar

...Petitioner

Versus

Lachhman

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Dinesh Arora, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff is in revision petition under Article 227 of the Constitution of India against the order passed by the trial Court dated 03.03.2017 dismissing the application seeking amendment of the plaint.

The plaintiff had filed a suit for declaration challenging the decree passed in Civil Suit No.535/1987 titled as Lachhman Vs. Ram Avtar.

The suit was instituted in the year 2010. The plaintiff had already concluded evidence and the trial is at the fag end. The plaintiff filed an application under Order 6 Rule 17 CPC with a view to add following assertions:-

“The defendant had no right in the property of Hazari after his adoption by Yadu. Therefore, there was no possibility of any family settlement between plaintiff and defendant regarding the property of Hazari and plaintiff. As such the alleged oral verbal family settlement has got no legal

value.”

The learned trial Court after appreciating the aforesaid fact and after noticing that the amendment has been brought in at the belated stage, dismissed the application.

Learned counsel for the petitioner has submitted that the fact sought to be pleaded is already part of record and is an admitted fact.

If it is admitted fact, there is no requirement to amend the pleadings. The pleadings have to be specific with respect to facts only. The plaintiff has not been able to prove that this fact was not in his knowledge at the time of filing of the plaint. In any case, once the fact is admitted, as submitted by the learned counsel, there is no requirement of amendment of the pleadings.

With these observations, the present Revision petition is disposed of.

08.08.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No