

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.7590 of 2014

Date of Decision: 05.07.2017

Vidya Devi

... Petitioner

Vs.

Bimla Devi and others

... Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. N.D. Achint, Advocate
for the petitioner.

Mr. Manoj Kumar Sangwan, DAG, Haryana.

Mr. C.P. Tiwana, Advocate
for respondent No.5.

RAMESHWAR SINGH MALIK J. (ORAL)

Present revision petition, filed under Article 227 of the Constitution of India at the hands of plaintiff, is directed against the order dated 08.09.2014 (Annexure P-4) passed by the learned trial Court, whereby her application for amendment of the plaint, for the second time, was disallowed.

Notice of motion was issued.

Heard learned counsel for the parties.

It has gone undisputed before this Court that trial had commenced long back. The plaintiff-petitioner had already led her evidence in affirmative and also concluded the same, with a view to prove her pleaded case as per the unamended plaint. Same description of the land in question, as contained in the plaint, was re-asserted by the plaintiff-petitioner in her

affidavit Ex.PW1/A. When the defendants were leading their evidence, plaintiff-petitioner woke up from the slumber and moved the present application, second in a row, again seeking amendment in her plaint, which was rightly declined by the learned trial Court, while passing the impugned order. Having said that, this Court feels no hesitation to conclude that the learned trial Court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

After the amendment in Order 6 Rule 17 of the Code of Civil Procedure and particularly addition of proviso at the end of Rule 17 CPC by way of Act No.22 of 2002, the learned trial Court was no more having the jurisdiction to allow the application for amendment of the plaint moved by the petitioner at belated stage, much after commencement of the trial. Had such an application been allowed by the learned trial Court, said order would have been an order without jurisdiction. Under these undisputed facts and circumstances of the case, it can be safely concluded that the learned trial Court committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. The impugned order passed by the learned trial Court has been found based on sound reasons and strictly in accordance with the relevant provisions of law referred to hereinabove, therefore, the impugned order deserves to be upheld, for this reason as well.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that since no illegality or perversity has been found in the impugned order, the same deserves to be upheld. The revision petition having been found wholly misconceived, bereft of merit and without any substance, must fail. No ground for interference has been made out.

Resultantly, with the abovesaid observations made, present revision petition stands dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

05.07.2017
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No