

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.775 of 2017

Date of decision: 03.02.2017

Harjinder Kaur

... Petitioner

Vs.

Dalwinder Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Gurpreet Singh, Advocate for
Mr. Vikas Gupta, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Present revision petition filed under Article 227 of the Constitution of India, at the hands of the plaintiff, is directed against the order dated 04.11.2016, whereby learned trial Court dismissed her application seeking amendment in the plaint.

Heard learned counsel for the petitioner.

It is a matter of record that suit was at the fag end. Both the parties had already led their evidence and the case was listed for final arguments, as conceded by learned counsel for the petitioner. Father of the petitioner-plaintiff died on 24.05.2013 and present application for amendment of the plaint came to be filed by the petitioner on 02.08.2016, thus, after a period of more than three years. No explanation is forthcoming on behalf of the petitioner-plaintiff, as to why, if any application at all, was to be filed, seeking amendment in the plaint, it could not be filed immediately after death of her father. In this view of the matter, this Court feels no hesitation to conclude that learned trial Court was

well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality in the impugned order, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction. It is also not in dispute that the sale deed suffered by father of the petitioner in favour of defendants-respondents is under challenge in the suit. In case, suit of the plaintiff is decreed, setting aside the sale deed, natural consequences would follow and the law will take its own course. However, since the impugned order has not been found suffering from jurisdictional error on the part of the learned trial Court, the same deserves to be upheld, for this reason also.

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 present revision petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No ground for interference has been made out.

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

[RAMESHWAR SINGH MALIK]
JUDGE

03.02.2017
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No