

It comes out that after framing the issues, plaintiffs-petitioners obtained three adjournments and thereafter, an application was filed by plaintiffs-petitioners for amendment of the written statement to counter claim of defendants-respondents. The lower Court has taken into consideration the parameter, which have to be met for allowing the amendment of the pleadings. It has found that proposed amendment was within the knowledge of applicants-petitioners. The application was filed after the trial has started. It was stated that applicants-petitioners kept mum, therefore, at this belated stage, such amendment cannot be allowed.

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I am of the view that the trial Court has taken the correct view of the matter. Once, the issues are framed and plaintiffs-petitioners have already obtained three opportunities, they cannot be allowed to amend the pleadings and plead the facts which were within their knowledge when written statement to the counter claim was filed. There is no ground to interfere in the impugned order. Therefore, instant revision is dismissed.

(KULDIP SINGH)
JUDGE

16.1.2018
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No