

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

**CR No.3668 of 2013 (O&M)
Date of Decision:20.02.2018**

Manjit Kaur

...Petitioner

Versus

Hari Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Onkar Rai, Advocate for the petitioner.
Mr.Sanjeev Manrai, Sr. Advocate with
Mr.Vijay, Advocate for respondents No.1 and 2.

ANIL KSHETARPAL, J. (ORAL)

CM-15609-CII-2016

The application is allowed. The present civil revision petition is restored to its original number. With the consent of learned counsel for the parties, the case is taken on board for final disposal.

Main case

Plaintiff-petitioner is in the revision petition against the order, dismissing the application under Order 6 Rule 17 of the Code of Civil Procedure ('CPC' for short) for amendment of the plaint filed by the petitioner after framing of the issues and after affidavits in lieu of examination in chief have been tendered in the court.

The learned trial court dismissed the application on the ground that the trial has commenced and, therefore, amendment cannot be allowed. Still further, the plaintiff had initially filed a suit, challenging three sale deeds executed by defendant No.4 in favour of defendant No.1. Now, the

plaintiff wants to add another sale-deed executed on 7.5.1995 executed by defendant No.4 in favour of defendant No.1. The suit was filed on 12.2.2009. On the day the suit was filed, plaintiff had an opportunity to challenge the fourth sale-deed also, which was not challenged.

As per the provisions of Order 2 Rule 2 CPC, once the plaintiff omits to sue in respect of any portion of his claim on same cause of action, he shall not afterward sue in respect of the part so omitted.

Learned counsel for the petitioner contends that inadvertently challenge to fourth sale-deed was left out.

This Court has considered the submission. However, in view of bar under Order 2 Rule 2 CPC, this contention cannot be accepted.

In view of the above, there is no ground to interfere in the impugned order passed by the learned trial court. The instant revision petition is dismissed.

20.02.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No