

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

140

CR No.3805 of 2017 (O & M)
Date of Decision:21.05.2018

Anand Pal Singh

...Petitioner

Versus

Navneet Rai

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Achin Gupta, Advocate
for the petitioner.

Mr. R.K. Singla, Advocate
for the respondent.

ANIL KSHETARPAL, J.(Oral)

Plaintiff-petitioner is in the revision petition against the order passed by the learned trial Court dated 12.05.2017, dismissing the application for permission to amend the plaint.

The learned trial Court has noticed that by way of amendment, the nature of the suit would stand changed. The trial has commenced and the case is now at the stage of defendant's evidence.

Learned counsel for the petitioner submitted that only prayer for partition of the suit property is being sought to be added. However, on being pointed out, he admitted that all the co-owners are not party of the aforesaid suit.

Defendant-respondent has pleaded that he was actually a tenant on the shop in dispute and the mortgage deed was executed only to

circumvent the protection available to the tenants under rent laws.

Such being the position, if amendment is allowed, the nature of the suit shall stand altered.

In view thereof, there is no ground to interfere.

Revision petition is dismissed.

21.05.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No