

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.7370 of 2018 (O&M)
Date of Order:30.10.2018

Lachman Dass

..Petitioner

Versus

Dilbag Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Johan Kumar, Advocate,
for the petitioner.

ANIL KSHETARPAL, J(Oral)

Plaintiff-petitioner is in the revision petition against the order passed by the learned trial court dated 31.08.2018, dismissing an application for permission to amend the plaint so as to include challenge to the sale deed dated 30.05.1995.

Apart from other reasons, the court has noticed that the issues were framed by the court on 20.09.2007 and thereafter the plaintiff availed several opportunities to lead evidence. However, no evidence was led. The court has further found that after commencement of the trial, the amendment application could not be moved unless the plaintiff satisfy the requirements of proviso to Order 6 Rule 17 of the Code of Civil Procedure.

The plaintiff has chosen not to challenge a particular sale deed and have only challenged sale deed dated 03.10.2013, which is alleged to have been executed on the basis of alleged forged General Power of Attorney dated 03.01.2013 and the plaintiff omitted to challenge to the previous sale deed. He cannot now be permitted to challenge the sale deed

which he omitted previously.

Still further defendants while filing the written statement had specifically pointed out that there was a sale deed dated 30.05.1995, in favour of defendants no.5 and 6. This written statement was filed in response to the plaint but the plaintiff did not take steps at appropriate time to file an application. Now when the trial has made substantial progress, plaintiff cannot now claim that he was not in knowledge of these facts.

Hence, this court does not find any good ground to interfere with the impugned order.

The revision petition is dismissed.

October 30, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No