

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 995 of 2018 (O/M)

Date of decision : 15.2.2018

Baljit Singh

..... Petitioner

Versus

Kabal Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. V.K. Kaushal, Advocate, for petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

Heard.

Impugned in present revision is order dated 14.12.2017 (Annexure-P-1), passed by learned Civil Judge (Junior Division), Amritsar, vide which an application filed under Order VI Rule 17 read with Section 151 of Civil Procedure Code, 1908, for amendment of plaint, was dismissed.

It comes out that plaintiff-petitioner alongwith other co-plaintiffs filed a civil suit for declaration that the Will dated 6.9.2000 alleged to have been executed by Jeevan Singh son of Harnam Singh is false, forged and fabricated and a result of impersonation and is not binding on plaintiff and other co-plaintiffs. Further suit for possession by way of partition of land in dispute was also filed. The suit was filed on 20.10.2015. Now, the case is stated to be at the stage of evidence of defendants when present application was filed. Now, by way of amendment, plaintiff-petitioner wants to replace the prayer of suit i.e. from 'suit for possession by way of partition' to 'suit for joint possession' and wants to make necessary amendments.

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I am of the view that trial of case has already commenced. The appropriate prayer was to be made when suit was instituted. The amendment cannot be allowed when case is almost mature. Otherwise also, plaintiff-petitioner is always at liberty to pray to the Court during arguments that in place of 'possession by way of partition', decree for 'joint possession' may be passed. Consequently, instant revision is dismissed with liberty to plaintiff-petitioner to raise such plea before the trial Court at the time of arguments.

(KULDIP SINGH)
JUDGE

15.2.2018
sjks

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No