

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

CR No.8844 of 2017 (O&M)

Date of Decision:01.03.2018

Shri Babban Jaidi

...Petitioner

Versus

Ms.Iimas Murtaza and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms.Abha Rathore, Advocate for the petitioner.
Mr.Varun Issar, Advocate for respondents No.1 and 2.

ANIL KSHETARPAL, J. (ORAL)

Defendant-petitioner is in the revision petition against the order dated 5.12.2017, dismissing the application filed by the defendant-petitioner for permission to amend the written statement under Order 6 Rule 17 of the Code of Civil Procedure.

The learned trial court has noticed that the case is at the final stage and, therefore, the amendment cannot be allowed.

This Court has heard the learned counsel for the parties at length.

Learned counsel for the petitioner has submitted that by way of amendment, defendant-petitioner is only wanting to bring on record two subsequent events, i.e. (i) that the suit filed by Shri Amir Haider-defendant No.2, on the basis of Will dated 10.1.1992, has been dismissed on 26.2.2015 and an appeal against this order was withdrawn; and (ii) that Smt.Amtulnissa- defendant No.3 has filed another suit for partition as she is also one of the legal heirs of the owner, i.e. Smt.Ruksana Parveen. She has further submitted that these two developments have taken place during the pendency of the suit after the defendant had filed the written statement.

In the considered opinion of this Court, for such a relief no amendment of the pleading is required as the court is bound to notice subsequent events/developments and mould the relief accordingly. The court would not decline the relief only on the ground that there are no pleadings to that effect.

Further, keeping in view the fact that the suit is pending for more than five years and the litigation between the parties is hotly contested, the learned trial court is directed to decide the suit finally within a period of two months from the date of receipt of a certified copy of this order.

With the observations made above, the revision petition stands disposed of.

01.03.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No