

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 119

CR-197-2019 (O&M)

Date of decision : 15.01.2019

Mukesh

..... Petitioner

VERSUS

Kamla

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Virender Rana, Advocate, for the petitioner.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 10.12.2018, passed by the Civil Judge (Junior Division), Bhiwani (for short the Trial Court), through which an application filed by the petitioner under Order 6 Rule 17 CPC for amendment of his plaint has been dismissed.

Learned counsel for the petitioner has been heard.

A perusal of the record reveals that the petitioner filed a suit seeking therein possession of a house, the boundaries of which were given in the plaint (for short the suit property). On being put to notice, the respondent, who was the defendant in the suit, appeared before the Trial Court and refuted the claim set up by the petitioner. On the dispute between the parties the Trial Court framed issues on 15.09.2016. Thereafter, during the course of leading his evidence the petitioner examined himself as one of his witnesses and was also cross examined. Such cross examination revealed certain lacunas in the petitioner's case particularly with regard to the vagueness in the case set up by the petitioner regarding the identification of the suit property. Apparently to fill up such gaps he filed an application under Order 6 Rule 17 CPC seeking to amend his plaint through which he

sought to introduce several new facts with regard to the details of the suit property. Such amendments, to fill up gaps in his case, cannot be allowed especially when the reason given by the petitioner for seeking the amendment is a clerical mistake which is not found from the record and that no worthwhile explanation is coming forth from the petitioner as to why such facts, which were in existence at the time of filing of his suit were not pleaded by him at that time.

Dismissed.

15.01.2019
shamsher

[DEEPAK SIBAL]
JUDGE

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