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

CR No.453 of 2019

Date of Decision : 21.01.2019

Manpreet Singh

..... Petitioner

versus

Raminder Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

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

SUDIP AHLUWALIA, J. (ORAL)

This revision is directed against the impugned order dated 08.12.2018 passed by the Ld. Civil Judge (Junior Division), Ludhiana.

2. The Ld. Trial Court had rejected an application for amendment filed on behalf of the petitioner-plaintiff in which he wanted to insert an additional averment to the effect that during his father's lifetime an amicable/Panchayati Compromise had been entered into between the contesting parties and his father, whereby an area of land measuring 33 Sq. Yards was granted in favour of the petitioner-plaintiff.

3. The contention raised by the petitioner in this regard before the Ld. Trial Court was that this averment was not incorporated in the original pleadings due to simple oversight.

4. After having considered the matter carefully, this Court finds no reason to interfere with the impugned order. This is so because, the

amendment was sought for at a highly belated stage when both the sides had already completed their respective evidence.

5. The original suit was filed with a prayer for cancellation of the Will allegedly relied upon by the respondents-defendants purportedly executed in favour of defendant No.1, who is the own brother of the petitioner-plaintiff, by their father during his lifetime. Omission of the vital fact of any part of the property having already been settled in favour of the petitioner before the impugned Will, in the opinion of this Court cannot be regarded as an innocent oversight, more particularly when perusal of the relevant Panchayati settlement sought to be incorporated, subsequently in the pleadings, and a copy of which has been filed on record as Annexure P-5 goes to show that it does not indicate any date whatsoever when the same was effected.

4. For the aforesaid reasons, this Court finds no substantive merit in the present revision petition, which is accordingly dismissed.

(SUDIP AHLUWALIA)
JUDGE

January 21, 2019

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No