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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/04/2019 15:12
I attest to the accuracy and
authenticity of this document

CR-2970-2019 (O/M)
Date of decision : 7.5.2019

Government of India Press Faridabad Petitioner (s)

Versus

Shish Ram and others Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Anil Khurana, Advocate,
for petitioner.

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KULDIP SINGH, J. (ORAL)

Impugned in present revision is order dated 2.3.2019 (Annexure-P-5), passed by learned Civil Judge (Junior Division), Faridabad, vide which application for amendment of plaint, moved by petitioner-plaintiff, was dismissed.

I have heard learned counsel for petitioner and have also carefully gone through file.

Facts of case are that petitioner-plaintiff Government of India Press, Faridabad, filed a suit for declaration to the effect that it is owner of land, measuring 15 kanal 10 marla. Judgment and decree dated 19.9.2011, passed by learned Civil Judge (Junior Division), Faridabad, was also sought to be set aside. Permanent and mandatory injunction was also sought. Both parties led evidence. Thereafter, when case was at argument stage, counsel for petitioner-plaintiff filed application stating therein that when he was preparing arguments from written statement, he came to know that defendants have sold land, measuring 4 kanal 2 marla to Abdul Rahim, vide registered sale deed No. 5484, dated 29.8.2013 and sale deed No. 10631, dated 10.1.2014 and further land measuring 2 kanal 1 marla has been sold to

Akhilak Ahmad, vide sale deed No. 646/1. dated 24.4.2014, out of suit land.

Now, petitioner-plaintiff wants to add said subsequent purchasers as defendants No. 7 and 8 and also wants to challenge said sale deeds, which are of the year 2013 and year 2014.

I am of the view that trial Court has rightly dismissed application. Suit was filed in the year 2015 i.e. much after execution of sale deeds. In the written statement itself, plea was taken regarding sale of land. So factum of sale deed was well within knowledge of petitioner-plaintiff, but petitioner-plaintiff did not take any step to amend the plaint. Issues were framed, trial started and has concluded. Therefore, when trial has concluded and facts were well within knowledge of petitioner-plaintiff from the very beginning, no amendment of plaint can be allowed, so as to put the clock back and reopen the case. There is no ground to interfere in the well reasoned order of trial Court. Thus, revision petition is dismissed.

(KULDIP SINGH)
JUDGE

7.5.2019
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No