

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

CR-3194-2019 (O&M)
Date of decision: 15.05.2019

Jaswinder Singh

...Petitioner

Versus

Sarwan Singh @ Shiv Singh and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. R.S. Ghuman, Advocate
for the petitioner.

H.S. MADAAN, J. (Oral)

Under challenge in this revision petition is order dated 23.04.2019, passed by Civil Judge (Sr. Divn.) SBS Nagar, vide which, an application for amendment of the plaint filed by the plaintiff has been dismissed.

By way of moving the application, the plaintiff wanted to challenge the transfer of 24 kanals of land by defendant Sarwan Singh @ Shiv Singh in favour of Mandeep Singh etc., on 05.09.2016, however, the trial Court has observed that the application was doomed for failure for several reasons, firstly, because as per law, no amendment can be allowed after the trial has commenced and in the present case, the trial had already started and the case was fixed for plaintiff's evidence. Furthermore, transfer deed is dated 05.06.2016, whereas, application for amendment was filed quite belatedly on 28.02.2018 without giving any

plausible explanation for the delay. Moreover, the transfer, if any, would be hit by principles of *lis pendens* and that the relief claimed by the plaintiff of joint possession, the same is contrary to already pleaded case of the plaintiff, wherein he has sought permanent injunction restraining the defendants from interfering into his possession.

I find that the order is well reasoned, does not suffer from any illegality or perversity, much less apparent on the face of it, which might have called for interference by this Court while exercising revisional jurisdiction. There being no merit in the revision petition, the same stands dismissed.

15.05.2019
sumit.k

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No