

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

121

CR-382-2020

DATE OF DECISION: 12.02.2020

MANJIT SINGH

... Petitioner(s)

Versus

MANMOHAN SINGH

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Tejinderbir Singh, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the order dated 09.12.2019 whereby his application for amendment of the plaint has been rejected.

Learned counsel contends that the petitioner was not aware of the mutation bearing No.3048 being entered on 05.03.1954 in the name of Dhanna Singh and only recently, it came to his knowledge that the mutation had been entered which would have a bearing on the suit.

Heard.

The petitioner had filed a suit for declaration to the effect that the gift deeds alleged to be executed by Dhanna Singh in favour of respondent-defendant-Manmohan Singh in the year 2001 were illegal, null and void. The parties have led the evidence in support of their pleadings and the case had been fixed for rebuttal evidence and for arguments when the application was preferred by the petitioner for amendment of the suit. I am in agreement with the order of the trial Court that the reasons as stipulated under Order 6 Rule 17 CPC for exercising due diligence before exercising the right of amendment are not forthcoming in the application and, therefore, the application was declined.

Consequently, the petition stands dismissed.

However, it is clarified that nothing, which has been observed hereinbefore, shall be construed to be an expression of opinion on the merits of the controversy with regard to the mutation and the petitioner shall be entitled to seek any remedy with regard thereto, if available to him, under the law.

(ANUPINDER SINGH GREWAL)
JUDGE

12.02.2020.

SwarnjitS

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