

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

**CR No. 983 of 2019 (O&M)
Date of Decision: 06.02.2020**

Mohammad Moenudin Mirza

.... Petitioner

Versus

Holy Dargah Sharif Baba Noonchatt
Shah Sufi Peer and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Satish Chaudhary, Advocate
for the petitioner.

Mr. Jaideep Verma, Advocate
for respondent No. 1.

ANIL KSHETARPAL, J. (ORAL)

The defendant has filed the present revision petition challenging the correctness of order dated 24.01.2019 dismissing an application filed by defendant No. 1 for permission to amend the written statement. It may be noted that the trial of the suit is at the fag end. The defendants had claimed that they are the Mutawalis of the religious property nominated by their father Mohammad Gudil After filing of the written statement, issues were framed. Parties led their evidence. At that stage, an application was filed. In the application, the defendants-petitioner claimed that Noor Mohammad executed a registered Will dated 09.02.2000 in favour of Mohd. Moenudinn Mirza and Abdul Kadir. Learned trial Court has found that the plea of the defendant-petitioner is not believable that he had no knowledge of the Will, once he himself claims that he had filed various other litigations on the basis of the aforesaid Will dated 09.02.2000. Thus, the Court has held that the defendant-petitioner failed to prove due diligence.

This Court has heard learned counsel for the parties and with their able assistance, gone through the paper book.

In the considered view of this Court, once the suit is at the final stage and the defendant No. 1 is now trying to take entirely different stand and that also with reference to a Will dated 09.02.2000, which was in the knowledge of the defendant, there is no ground to interfere.

Dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

(ANIL KSHETARPAL)
JUDGE

06.02.2020
Maninder

Whether speaking/reasoned : Yes
Whether reportable : No