

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

CR-1150-2020 (O&M)

Date of decision: 03.12.2021

Gurpreet Singh

...Petitioner

Versus

Lal Kaur and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Karamjit Singh, Advocate for the petitioner

Mr. Raman Mohinder Sharma, Advocate for
respondent no.12 and 23

ANIL KSHETARPAL, J (Oral)

The petitioner is a plaintiff in a suit for claiming a decree of declaration with respect to the suit property. The plaintiff through his guardian, filed the suit on 05.11.2015. After attaining majority, the plaintiff filed first application for amendment of the plaint, which was allowed by the Civil court on 03.07.2019. The plaintiff filed yet another application for permission, to amend the plaint in order to lay challenge to the alleged deed of partition, set up by the defendants. The learned trial court has dismissed the application on various grounds, including the fact that the first application filed by him, when he was major, has already been allowed.

This Court has gone through the proposed amendment. The plaintiff has already sought a declaration that the suit property is joint. The document of partition set up by the other party is not a registered document. In a case where the plaintiff has already sought a declaration that he is one of the co-sharers in the partition land, he can lead evidence

to prove that fact. Furthermore, the second application for amendment has been filed after the commencement of the trial. The petitioner has failed to show that such amendment could not be made despite due diligence.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

03.12.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE