

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 850 of 2021

Date of Decision: 08.04.2021

Jeet Ram

... Petitioner(s)

Versus

Jagdev Singh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

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

Anil Kshetarpal, J.

This revision petition has been filed by defendant No.3 against an interlocutory order dated 26.02.2021, passed by the learned Civil Judge (Junior Division), Dera Bassi, while dismissing an application under Order VI Rule 17 CPC for permission to amend the written statement.

The defendant No.3, after elapse of three years from the filing of original written statement, moved an application for permission to amend the written statement. He wants to take two new grounds, first is that he is a bonafide purchaser of the property from Gamdoor Singh vide a sale deed dated 24.12.1988 and the second is that he wants to plead the family partition agreement dated 20.01.1999. On perusal of the un-amended written statement, it is apparent that defendant No.3 has already pleaded the alleged family partition agreement dated 20.01.1999.

The learned Court below has noticed that the petitioner has failed to convince the Court about his due diligence. Still further, the trial

has already commenced.

As per Order XLIII Rule 1A CPC, a party to the litigation has been given a right to assail the correctness of a non-appealable order in appeal against the decree.

Keeping in view the aforesaid facts, this Bench is not inclined to exercise its jurisdiction under Article 227 of the Constitution of India. Hence, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

April 08, 2021
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No