

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

205

CR-5443-2019 (O&M)

Date of decision: 23.12.2021

TEHAL SINGH AND OTHERS

..Petitioners

Versus

MANSO KAUR @ MANSO AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sunandan Gaiind, Advocate for the petitioners.

ANIL KSHETARPAL, J (Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

The application filed by the defendant for permission to amend the written statement during the pendency of the appeal has been dismissed by the First Appellate Court.

The petitioners for the first time want to assert that the property in dispute is ancestral in nature. The application was filed much after the filing of the first appeal. The First Appellate Court has dismissed the application.

Learned counsel for the petitioners contends that if the amendment is allowed only revenue record is required to be tendered. It may be noted here that the petitioners want to assert certain facts for the first time before the First Appellate Court. The petitioners have failed to prove their due diligence. The amendment in the pleadings at the stage of appeal cannot be permitted ordinarily. Hence, no ground to interfere in the impugned order is made out.

Dismissed.

All the pending miscellaneous application(s), if any, are also disposed of.

23.12.2021

(ANIL KSHETARPAL)

ashok

JUDGE