

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

Sr. No.113

CR-2833-2021 (O&M)

Date of decision : 17.11.2021

Ajit Singh now deceased son of Mela Singh son of Katra through legal representative Surjit Kaur and another

..... Petitioners

VERSUS

Gram Panchayat and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. C.L. Verma, Advocate, for the petitioners.

SUDHIR MITTAL, J. (Oral)

The petitioners are the plaintiffs. They have filed a suit for a declaration of their title in respect of the suit land. Their evidence was concluded in the year 2018. Apart from other evidence excerpts from the earliest revenue record have also been placed on record. The defendants' evidence has also concluded and the case is ripe for arguments. An application for amendment of the plaint was filed on the ground that while preparing the arguments, it came to light that the excerpts of the revenue record shows that the suit land was owned by the predecessors of the plaintiffs and was never vested in the Panchayat. Thus, the plaint needs to be amended to plead the fact that the predecessors of the plaintiffs were the owners.

The aforementioned application has been dismissed by the trial Court on the ground that the amendment sought was highly belated.

Learned counsel for the petitioners has submitted that there is evidence on record in the shape of revenue excerpts showing the predecessors of the plaintiffs to be the owners. Thus, it was necessary to

plead this fact in the plaint. The amendment would enable the Court to effectively decide the controversy and thus, the same should have been allowed.

The suit was filed in the year 2015 and the plaintiffs' evidence was concluded in the year 2018. In their evidence, the excerpts of the revenue record have been exhibited. Thus, the alleged fact that the predecessors of the plaintiffs were infact the true owners had come to light. The plaintiffs could have filed an application for amendment at that stage. Having not done so, the amended provisions of Order 6 Rule 17 Code of Civil Procedure bar the prayer for amendment. The conduct of the plaintiffs show negligence on their part and the proviso to Order 6 Rule 17 Code of Civil Procedure is attracted. Moreover, the application having been filed after conclusion of the trial was not maintainable in view of the said proviso.

In view of the above facts, the revision petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

17.11.2021

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No