

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

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**CR-69 of 2022 (O&M)
Date of decision: 13.09.2022**

Gurpreet Singh

..Petitioner

Versus

Bhura Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. J.K.Singla, Advocate
for the petitioner.

Mr. Rajinder Kumar Singla, Advocate
for respondent no.1 and 2.

Mr. Gagandeep Singh, Advocate
for respondent no. 6, 7,8 and 13.

ANIL KSHETARPAL, J(Oral)

Challenging the correctness of an interlocutory order passed by the trial court while allowing the permission to amend the plaint, the present revision petition has been filed by the defendant.

A suit for grant of decree of declaration to the effect that the plaintiffs are owner in possession as co-sharers of the suit land and the plaintiff-Hardial is owner to the extent of 117/1376th share, whereas Bhura Singh is co-owner to the extent of 337/4128th share, is pending. In the suit, it was asserted that the proceedings for partition of the land are pending which are totally illegal and without jurisdiction.

During the pendency of the suit, the partition proceedings were decided. An application filed by the plaintiffs to amend the plaint to incorporate the subsequent event has been allowed.

The learned counsel representing the petitioner contends that the partition proceedings were disposed off on 15.06.2017, whereas the application for permission to amend the plaint was filed on 18.09.2019. He submits that there is an unexplained delay in filing the application.

This court has considered the submissions made by the learned counsels representing the parties.

A subsequent event cannot be refused to be incorporated in the pleadings solely on the ground of delay unless the other party shall suffer substantive prejudice on account of delay. In the present case, the learned counsel representing the petitioner failed to draw the attention of the court to any such prejudice. The trial court has exercised its discretion in accordance with law which does not require any interference while exercising the supervisory jurisdiction.

Dismissed.

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

September 13, 2022

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No