

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

151

CR-1796-2022

Date of decision: 29.09.2022

MANJIT SINGH

..Petitioner

Versus

MANMOHAN SINGH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Bhriugu Dutt Sharma, Advocate
for the petitioner.

Mr. Vijay Rana, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

The petitioner's suit for grant of decree of declaration that the gift deeds allegedly executed by Sh. Dhana Singh as well as a Will claimed by the defendant are null and void, is pending at the final stage. The parties have led their evidence and the suit is now fixed for final arguments.

At that stage, the plaintiff's application for permission to amend the plaint in order to incorporate the entire landholding of Sh. Dhana Singh has been dismissed by the trial Court. The plaintiff claims that though he has given details of the land described in the alleged gift deed, however, that does not cover the entire property owned by Sh. Dhana Singh.

On the other hand, the learned counsel representing the respondent submits that the case is at the fag end and now the amendment in the plaint should not be allowed.

The issue with regard to the correctness, genuineness and validity of the Will is already in dispute between the parties. The plaintiff has already sought declaration to that effect. The description of the property

while referring to is khasra numbers is not necessary because whatever

property Sh. Dhana Singh has left behind, the same in absence of the gift deed and Will and would go by way of natural succession.

Keeping in view the facts of the case, the trial Court is requested to proceed to decide the suit.

If at this stage the amendment is allowed, it would result in a *de novo* trial which shall not be appropriate.

With all these observations, the present petition is disposed of.

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

September 29th, 2022

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**(ANIL KSHETARPAL)
JUDGE**

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