

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

126

**CR-2355-2022(O&M)
Date of decision:04.07.2022**

Ashu

...Petitioner

Versus

Poonam Gupta and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Damanjit Singh Sandhu, Advocate,
for the petitioner.**

ANIL KSHETARPAL, J (Oral)

The plaintiff is the petitioner herein. She assails the correctness of the order passed by the trial Court while rejecting an application for permission to amend the plaint.

She filed a suit for grant of decree of declaration that she is owner in possession of MIG Flat No.1, First Floor, Block-E, Maharishi Balmiki Nagar, Near Haibowal Khurd, Tehsil and District Ludhiana and agreement to sell dated 01.05.2006, executed by the plaintiff in favour of defendant no.1 is illegal.

After a period of more than 10 years, she filed an application for permission to amend the plaint in order to seek further declaration that the judgment and decree dated 15.02.2017, passed in the civil suit, filed by Sh. Deep Chetan against Smt. Poonam Gupta etc. is not binding on her rights. The aforesaid decree has been passed in a suit for specific performance of the agreement to sell.

The learned trial court has found that the proposed amendment is neither bonafide nor she has proved due diligence. The plaintiff was not

a party to the aforesaid judgment and decree dated 15.02.2017. In any case, the plaintiff has already sought decree of declaration and therefore, she is not required to seek any further relief or declaration particularly when she is not a party to the previous litigation.

Hence, no ground to interfere is made out.

Dismissed.

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

July 04, 2022
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(ANIL KSHETARPAL)
JUDGE

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