

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

CR No.8284 of 2018 (O&M)

Date of Decision: 10.10.2023

Harjit Kaur through GPA Mohinder Singh

..... Petitioner

Versus

Kulbir Singh (deceased) through LRs and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Jhanji, Sr. Advocate with
Ms. Zaheen Kaur, Advocate for the petitioner.

Mr. Milap Singh Bhatti, Advocate for respondent No.3.

ANIL KSHETARPAL, J. (ORAL)

1. The petitioner herein is the plaintiff in a pending suit filed in the year 2012. The case is still pending in the Court of first instance. The plaintiff while filing the suit has sought decree of declaration to the effect that she is a co-sharer and joint owner of the suit land to the extent of 1/18 share. When the trial of the case was at the fag end, an application for permission to amend the plaint was filed. She wants to now claim that various sale deeds executed by the defendants are not binding on her rights. The trial Court has dismissed the application on the ground that the issue with regard to validity of the aforesaid sale deed has already been framed.

2. Learned Senior acounsel representing the petitioner contends that the amendment sought is only formal in nature and this Court in case titled as *Ganesh Kumar Vs Sanjeev Kumar Goyal and Ors, 2023 (1),RCR (Civil) 896* has permitted such amendments.

3. This Court has examined the matter. The plaintiff has

already sought a decree of declaration that she is owner to the extent of 1/18 share and she is not the executant of the sale deed. Moreover, the trial Court has already observed that issue with regard to various sale deeds has already been framed. At this stage, it would not be appropriate to permit the plaintiff to amend the plaint as it will delay the trial of the case.

4. Keeping in view of the aforesaid facts, no ground to interfere is made out.

5 Hence, the petition is dismissed.

10.10.2023
Deepak Patwal

(ANIL KSHETARPAL)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No