

128 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1487-2019(O&M)
Date of decision :30.04.2024

Mohamad Hanif

...Petitioner

Vs.

Niamat and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Mandeep Kumar Dhot, Advocate
for the petitioner.

Mr. Imran Farooqi, Advocate
for respondent No.1 (through video conferencing).

ANIL KSHETARPAL, J. (Oral)

1. The petitioner herein is a defendant in a pending suit for possession by way of partition of the property. When the case was at the stage of final arguments, the petitioner (defendant) filed an application for permission to amend the written statement in order to incorporate assertions with regard to various oral gifts. The trial Court has found that the defendant is trying to put up a totally new and different case, which will result in fresh *de novo* trial of the case.

2. Learned counsel representing the petitioner submits that the evidence has already been led and therefore, only a formal amendment is required to be made.

3. This Court has considered the submissions made by the learned

counsel representing the parties.

4. It is well settled that the evidence is not required to be incorporated in the pleadings as per Order VI Rule 2 of the Code of Civil Procedure, 1908. Furthermore, the suit is for possession by way of partition.
5. Hence, no ground to interfere is made out.
6. Dismissed.

		(ANIL KSHETARPAL)	
		JUDGE	
30.04.2024	Whether speaking/reasoned :	Yes	No
neeraj	Whether Reportable :	Yes	No