

(2014) 07 P&H CK 0689

High Court Of Punjab And Haryana At Chandigarh

Case No: C.R. No. 4254 of 2013

Kauri Devi

APPELLANT

Vs

Bado Devi

RESPONDENT

Date of Decision: July 21, 2014

Hon'ble Judges: Mahesh Grover, J

Bench: Single Bench

Advocate: Vikas Kumar, Advocate for the Appellant; S.K. Jain, Advocate for the Respondent

Final Decision: Dismissed

Judgement

Mahesh Grover, J.

The petitioner impugns the order dated 23.5.2013 by which an amendment to the plaint has been disallowed. The petitioner had filed a declaratory suit along with a prayer for injunction and setting aside of a sale deed. The suit was preferred in the year 2005 and continued for seven long years when the petitioner moved an application alleging that she was dispossessed from the suit property in the year 2012 and sought an amendment to that effect. The learned trial Court declines such a prayer which is now the cause of grievance to the petitioner.

2. It has been contended by the learned counsel for the petitioner that the amendment sought for by her was merely clarificatory in nature and was intended to incorporate subsequent events which had taken place. He has placed reliance on the judgments in the cases of D.A.V. College, Hoshiarpur Society Vs. Sarvada Nand Anglo Sanskrit Higher Secondary School, Managing Committee, D.A.V. College, Hoshiarpur Society, Hoshiarpur Vs. Sarvada Nand Anglo Sanskrit Higher Secondary School, Managing Committee, , Taranjit Kaur and Others Vs. Navneet Kaur and Others, and Jeet Singh alias Ranjit Singh Vs. Baboo Singh (Died) represented through his LR's and Another,

3. Upon hearing the learned counsel for the petitioner and perusing the material on record, I am of the considered view that the revision is without any merit. There can be no quarrel with the proposition that amendment of the plaint can be allowed at any stage of the proceedings provided a sufficient cause is established. This would indicate that every prayer for amendment has to be tested on the facts and circumstances of each case. The petitioner sought an amendment on the plea that she had been dispossessed in the year 2012 without giving any specific detail as to when and how was she dispossessed. There are no particulars accompanying the explanatory paragraphs that had sought to be incorporated.

4. In view of this, I am of the considered view that the amendment was totally vague and, thus, was rightly declined by the Court. It is imperative for the person who alleges that he or she has been dispossessed during the pendency of a suit to plead as to how and when such an incident took place.

5. Dismissed.