

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CR 3580 of 2015

Date of Decision: July 7, 2015

Raj Rani

.....Petitioner

Vs.

Divya @ Shera and ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.G.P. Singh, Advocate
for the petitioner.

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M.M.S. BEDI, J. (ORAL)

Vide impugned order, the trial Court has allowed the application under Order 6 Rule 17 CPC filed by the plaintiff- respondent No.1 enabling her to incorporate a correction by allowing letters ABCDEFGHIJKLMN in paras 4, 6, 13 and prayer clause 19 (a) of the plaint to be changed as JKLMN as per the site plan appended.

Learned counsel for the defendant- petitioner when asked about the stage of the case, he informs that the case is at the initial stage on filing of the written statement. It has been vehemently argued by learned counsel for the petitioner that under the garb of amendment plaintiff- respondent

No.1 is not only seeking a rectification of the typographical error but it is a device to include the entire property in the site plan, copy of which has been appended with the petition as annexure P-2.

I have heard learned counsel for the petitioner and carefully gone through the contents of the unamended and amended complaints along with the site plan annexure P-2.

Briefly stated the case of the plaintiff- respondent No.1 in her suit for partition is that she claims a portion shown as green in the site plan and marked as KLMN in the entire property which is described as ABCDEFGHIJKLMNOP. The trial Court has not committed any error by allowing the amendment at initial stage of the case prior to the commencement of the suit. The amendment has not caused any prejudice to the defendant- petitioner. The present petition and the contest to the amendment appear to be a device to delay the proceedings.

Counsel for the petitioner has submitted that the amendment if permitted will give an advantage to the plaintiff- respondent No.1 regarding limitation.

I have carefully considered the said contention and I am of the opinion that no amendment has been sought for by the plaintiff- respondent No.1 in context to the sale deeds which have been challenged in the plaint. It is only the portion to which the plaintiff- respondent No.1 seeks to raise claim which has been permitted to be incorporated. The plea of limitation, if

any, can always be raised by the defendant by filing a detailed written statement.

No ground is made out for interference in the impugned order.

Dismissed without prejudice to the right of the defendant-petitioner to contest the claim of the plaintiff- respondent No.1 on merits.

July 7, 2015
sanjay

(M.M.S.BEDI)
JUDGE