

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 6258 of 2011(O&M)
Date of decision : December 15, 2015

Parnam Singh

..... Petitioner

Versus

Beant Kaur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. V. K. Sandhir , Advocate
for the petitioner.

Mr. H. S. Batth, Advocate
for respondent Nos. 1 to 4.

Mr. Anil Chawla, Advocate
for respondent Nos. 5 & 6.

Mr. Vaibhav Narang, Advocate
for respondent Nos. 13 (i) & 14.

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

Amit Rawal, J (oral).

The petitioner-plaintiff is aggrieved of the order whereby an application seeking amendment of the plaint by incorporating paragraph 4-A of the plaint has been declined by the trial court on the ground that amendment sought is barred by law of limitation.

Learned counsel appearing on behalf of the petitioner submits that contents of the application are self explanatory

inasmuch as that during the cross examination of DW-3 Beant Kaur it has come on record that she admitted the execution of family settlement dated 30.1.1990 Ex.D-1 much less, execution of power of attorney relied by the plaintiff Puran Singh @ Pura in favour of Parnam Singh, plaintiff, Amarjit Kaur w/o S. Gurbachan Singh and Beant Kaur wd/o Iqbal Singh pertaining to land allotted/ given to them by Puran Singh @ Pura. The said Power of Attorney was executed in favour of Beant Kaur and was registered with the office of sub Registrar. On the basis of aforementioned power of attorney Beant Kaur transferred the property by means of family settlement dated 30.1.1990 by virtue of sale deeds executed in favour of different persons. It is the aforementioned sale deed which has been sought to be incorporated by way of amendment. He further submits that the plaintiff shall not lead any further evidence in this regard.

Mr. H. S. Batth, learned counsel appearing on behalf of respondent Nos. 1 to 4 submits that the amendment sought would alter and change the nature of suit inasmuch as the sale deeds of the property pertain to the years 1994, 1999, 1999 whereas the suit has been filed in the year 2005, therefore, the declaration of the aforementioned sale deeds cannot be challenged.

I have heard learned counsel for the parties and appraised the paper book.

The proposed amendment sought to be incorporated in the written statements reads thus:-

“4-A) That at the time of execution of family settlement S.Puran Singh alias Pura executed

power of attorneys in favour of Parnam Singh plaintiff, Amarjit Kaur wife of S Gurbachan Singh and Beant Kaur widow of S.Iqbal Singh pertaining to land allotted/given to them by S.Puran Singh alias Pura which power of attorneys were duly registered with office of Sub Registrar Amritsar. Power of attorney executed in favour of Beant Kaur was registered in the office of Sub Registrar as document no.6510 on 2.2.1990 and on the basis of aforesaid power of attorney Smt. Beant Kaur defendant no.1 had transferred property allotted to her by means of family settlement dated 30.1.1990 by virtue of sale deeds executed in favour of different persons detailed given as below:-

a. Plot measuring 275 sq. yards forming part of khasra no.1814 was transferred by Beant Kaur on the basis of power of attorney in faovur of Smt. Narinder Kaur wife of S.Surjit Singh vide registered sale deed ated 26.8.1994 bearing document no.12108 copy attached.

b. Land measuring 1 kanal 8 marlas forming part of khasra no.127 transferred by Beant Kaur as attorney of S.Puran Singh in favour of her sons Amandeep Singh and Ranjit Singh vide document no.75000 dated 25.10.99.

c. Land measuring 4 k 0 M forming part of khasra no.173 transferred by Beant Kaur favouring her sons Ranjit Singh Amandeep Singh vide document no.7783 dated 29.10.1999.

d. Land measuring 5 kanal 17 Marla forming part of Khasra no.58 transferred by Beant Kaur in favour of her sons Amandeep Singh and Ranjit Singh bearing document no.74199 dated 25.10.1999.

e. Land measuring K 12 Marla forming part of

khasra no.1842 was transferred by Beant Kaur as attorney of Puran Singh in favour of Amandeep Singh and Ranjit Singh, her sons by means of document no.7502 dated 23.10.1999.”

Since the petitioner-plaintiff had already undertaken not to lead any further evidence, I am of the view that the amendment sought to incorporated is most innocuous and will not alter the nature and character of the suit since the aforementioned sale deeds are not challenged by way of declaration. The amendment will not be barred by law of limitation.

Keeping in view the aforementioned facts, the impugned order is set aside. The application seeking amendment of the plaint is allowed.

The revision petition stands allowed.

**(AMIT RAWAL)
JUDGE**

December 15, 2015
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