

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

CR No.6227 of 2012 (O&M)

Date of decision : 30.11.2015

Gurmail Kaur

...Petitioner

Versus

Mukhtiar Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

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

Present: Mr. J.R. Mittal, Sr. Advocate with
Mr. Kashmir Singh, Advocate for the petitioner.

Mr. Raman Mohinder Sharma, Advocate for the respondent.

AMIT RAWAL, J. (Oral)

This Court after noticing the submission of learned counsel for the petitioner confined his prayer with regard to amendment of the plaint vis-a-vis the sale deeds and passed the following order:-

“CM No.26450-CII of 2012

Allowed as prayed for.

Main Case

Counsel for the plaintiff-petitioner states that he does not press the prayer for amendment of plaint regarding arrears of maintenance amount at the enhanced rate for three years preceding the filing of the suit, whereas the plaintiff would file execution petition to claim arrears for the said period, as per earlier order of the Court. It is contended that sale of part of the land, on which charge is sought to be created by the plaintiff-

petitioner for maintenance, has been made by defendant-respondent during pendency of the suit, and therefore, the plaintiff is entitled to amend the plaint to challenge the said sale.

Notice of motion for 21.01.2013.

Respondent be also served through his counsel in the lower Court namely Mr. B.S. Harika, Advocate, Dhuri.

Meanwhile, proceedings in the trial Court shall remain stayed.”

I have gone through the impugned order. Impugned order reflects only with regard to seeking amendment of plaint vis-a-vis sale deeds and not with regard to claiming arrears of rent. There has to be deliberation, much less, discussion with regard to the amendment qua challenge of the sale deeds. I am of the opinion that impugned order is thus not sustainable and liable to be set aside and is hereby set aside.

The matter is remitted back to the trial Court with direction to decide the application seeking amendment vis-a-vis only challenge to the sale deeds referred to in the application seeking amendment only.

It is expected that trial Court shall decide the application as early as possible within a period of two months from the date of receipt of certified copy of the order.

With the aforementioned direction, the revision petition stands allowed.

30.11.2015

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**(AMIT RAWAL)
JUDGE**