

CR No.6580 of 2014

[1]

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

**CR No.6580 of 2014
Date of decision:12.01.2015**

Krishan Bhardwaj

...Petitioner

Versus

Mukesh Kumar

...Respondent

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Amandeep Rana, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

The petitioner is aggrieved against the order dated 24.03.2014
by which amendment of written statement has been allowed.

The brief facts of the case are that the petitioner, who happens
to be the father of the respondent, filed the suit for permanent injunction
alleging that he is owner in possession of house situated in village Tigra.
He has two sons. He has given the house to both the sons who are in
possession of eastern and western side of it but five numbers of shops,
which are also part of the suit property, are with the petitioner. Since the
defendant was trying to take possession of the said shops and quarreling
with the petitioner and his family members, therefore, he filed the suit for
permanent injunction.

After notice, the defendant appeared and filed reply alleging

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that the plaintiff is only a Dholidar and there is a special Act as per which the petitioner may appear before the Deputy Commissioner for redressal of any grievance or declaration.

Now, he has filed an application for amendment in order to aver that the petitioner is not the owner but the further averments made by him regarding petitioner being a Dholidar are sought to be deleted.

Counsel for the petitioner has argued that the defendant-respondent cannot be allowed to withdraw the averments made in the written statement.

After hearing learned counsel for the petitioner and examining the record, I am of the considered opinion that since it is a dispute between the father and his son and the question is about the possession of the shops in dispute for which the suit has been filed, which is at the initial stage, therefore, the amendment being sought by the defendant could be allowed, as has been rightly done by the trial Court.

Accordingly, I do not find any merit in the present revision petition and hence, the same is hereby dismissed.

January 12, 2015
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(**Rakesh Kumar Jain**)
Judge