

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.6954 of 2015

Date of decision: 16.10.2015

Jarnail Singh

... Petitioner

Vs.

Kashmir Kaur

... 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. Ramesh Sharma, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Learned counsel for the petitioner submits that application seeking amendment in the replication, has been dismissed on the premise that a valuable right accrued in favour of the defendant would be effected, as well as, suit was at the stage of final hearing. In support of his aforementioned contention, he has drawn attention of this Court to paragraph No.8 of the reply to preliminary objections, which reads thus:-

"8. That, the PO No.8 is wrong and denied. The plaintiff has not concealed any material facts as alleged. It is admitted that the property is jointly owned by the parties but the defendant is in exclusive possession of the same at the spot whereas plaintiff never came in possession of

any party of the property. Rest of para is wrong and denied.”

He further submits that the word 'defendant' may be substituted with the word 'plaintiff' and 'plaintiff' with the 'defendant' as the entire reply of the preliminary objections has to be read in consonance with preliminary objections taken in the written statement.

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

The aforementioned amendment, in my view, would not alter the stand taken in the plaint, as the replication has been filed by rebutting the specific objections taken in the written statement. The report of the preliminary objections would not amount to withdrawal of the admission, much less, altering specific stand taken in the plaint. Accordingly, the impugned order is set aside and the application filed on behalf of the petitioner-plaintiff seeking amendment in the replication is allowed and the word in third and fifth line be substituted with 'plaintiff' and 'defendant' respectively.

Liberty is granted to the respondent to move an application, if the aforementioned statement is found to be incorrect.

The revision petition is accordingly allowed.

**(AMIT RAWAL)
JUDGE**

October 16, 2015
savita