

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.7146 of 2015
Date of decision: 07.12.2015

Jagroop Singh and others

... Petitioners

Versus

Lachhman Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Binderjit Singh, Advocate for the petitioners.
Mr. AK Walia, Advocate for respondents No.1 to 8.

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?

ARUN PALLI J. (Oral)

Vide order being assailed, dated 13.10.2015, rendered by Civil Judge (Jr. Divn.), Bathinda, application moved by the petitioners-defendants, under Order 6 Rule 17 of the Code of Civil Procedure, seeking amendment in the written statement, had since been dismissed.

Concededly, in a suit filed by the respondents-plaintiffs, they have assailed the order dated 15.11.1947, passed by the Commissioner, Ferozepur, and mutation No.6826 dated 24.02.1948 that was sanctioned pursuant thereto, being illegal, null and void, and not binding upon the rights of the plaintiffs. Originally, what the petitioners had set out in the written statement was that the order dated

15.11.1947 was illegal, null and void, and not binding upon the rights of legal heirs of Jora Singh. And, what is now sought to be urged vide a proposed amendment is that the order dated 15.11.1947 was indeed legal and valid in all respects. Ex facie, the assertion; that the order dated 15.11.1947 was illegal and void, was the result of an accidental omission and typographical mistake. In fact, plaintiffs-respondents have themselves assailed the two sale deeds that were executed in favour of the petitioners-defendants by their predecessors-in-interest, in whose favour mutation No.6826 dated 24.02.1948, pursuant to the order dated 15.11.1947, was sanctioned. That being so, vide a proposed amendment, petitioners only seek to rectify the mistake that had crept in their original defence or written statement.

As a result, the revision petition is accepted and the order dated 13.10.2015 is set aside. Prayer of the defendants-petitioners for amendment in the written statement is accepted. The defendants-petitioners shall file the amended written statement on the date that shall be fixed by the trial court in this regard. Plaintiffs-respondents shall also be entitled to file replication, if any, to the amended written statement. Plaintiffs-respondents shall be granted one opportunity, if prayed for, to adduce evidence to prove that the order, dated 15.11.1947, was illegal and void. Likewise,

defendants-petitioners too shall be afforded one opportunity to lead evidence in rebuttal.

December 7, 2015
Rajan

(Arun Palli)
Judge