

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

CR No.7481 of 2012 (O&M)

Date of decision: 26.11.2015

Labh Singh and others

..... Petitioners

Versus

Mangal Singh (deceased) through LRs and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Vipul Dharmani, Advocate for the petitioners.

Mr. Harsh Aggarwal, Advocate for
Mr. Asim Aggarwal, Advocate
for LRs of respondent Nos.1 and 2.

Mr. Sanjay Gupta, Advocate
for respondents No.2, 3, 5 and 7.

ARUN PALLI, J. (Oral)

Vide order being assailed dated 15.09.2012, rendered by the Addl. Civil Judge (Sr. Divn.), Ropar, application moved by Mangal Singh (respondent No.1-defendant No.1), seeking amendment in the written statement had since been allowed.

In a suit filed by the plaintiffs they have prayed for declaration that they are absolute owners in possession of half share in the suit land and have challenged the decree dated 9.9.2000, passed in Civil Suit No.RT-79/21.8.1995/5.3.1999, as also the mutation that was sanctioned on the basis thereof in favour of Mangal Singh being null and void. In a suit filed by the petitioners-plaintiffs, they had maintained that the defendants and plaintiffs

were related to each other. In paragraph one of the written statement filed by defendant No.1, it was maintained that **“However relationship is not denied”**. But vide a proposed amendment what was sought to be urged by defendant No.1; **“However, they have no relations with the defendants”**. Meaning thereby, vide a proposed amendment defendant No.1, had sought to plead that the defendants indeed had no relationship with the plaintiffs. The arguments being advanced by the learned counsel for the petitioners that vide a proposed amendment admission as regards relationship between the parties was being withdrawn lacs conviction. For, as if the plaintiffs are indeed related to defendant No.1, they were always at liberty to substantiate this plea by adducing appropriate evidence. And on the contrary, if indeed there was no relationship between the parties and the amendment prayed for was not granted, defendant No.1 could never have been able to prove that parties were not related to each other. The order being assailed causes no prejudice to the rights and interest of the petitioners.

In the wake of the position as set out above, no interference is warranted in exercise of revisional jurisdiction under Article 227 of the Constitution of India. The petition being devoid of merit is accordingly, dismissed.

November 26, 2015

Manoj Bhutani

(ARUN PALLI)
JUDGE