

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

Civil Revision No. 832 of 2013 (O&M)

Date of Decision: 20.01.2015

Anita Devi

..... Petitioner

Vs.

Amarjeet Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Anil Kumar Garg, Advocate for the petitioner/defendant No.2.

None for contesting respondent No.1/plaintiff.

None for respondent Nos.2 to 4.

JASWANT SINGH, J. (ORAL)

The petitioner/defendant No.2 is in revision aggrieved by the order dated 24.01.2013 (**P-6**), passed by learned Additional Civil Judge (Sr. Divn.), Tohana, whereby her application (**P-4**) for amending the written statement to correctly describe the name of father of the husband of the applicant has been dismissed.

It is averred that the owner of the suit land Saroj Devi executed a sale deed dated 16.04.2009 (**P-2**) in favour of the petitioner/defendant No.2 along with defendant No.3-Raj Bala and defendant No.4-Om Pati. The plaintiff/respondent No.1-Amarjeet Singh filed a suit on 20.07.2009 for specific performance qua the said land on the basis of an agreement to sell dated 21.08.2008 allegedly executed by Saroj Devi/defendant No.1. The subsequent purchasers/defendant Nos.2 to 4 were also impleaded with the prayer for

injuncting them to further alienate the suit land while also challenging the sale deed in their favour. In the description of the petitioner/defendant No.2, she was described as the wife of Ramesh Kumar, who in turn was shown as son of Suraj Bhan as reflected in the sale deed dated 16.04.2009 (**P-2**).

During the evidence of the parties, it was realized by the petitioner-Anita Devi that name of her father-in-law was not correctly depicted as his correct name is "Hari Ram" instead of "Suraj Bhan". Accordingly, *Tatima* Sale deed dated 17.08.2012 (**P-3**) with correct description was got issued. Thus, an application was also moved for effecting the amendment in the array of parties, which has been illegally dismissed.

Having heard learned Counsel for the petitioner, it is apparent that there is no dispute between the parties regarding the identity of the petitioner/defendant No.2 or the suit property. In fact, in the light of the *Tatima* Sale Deed (**P-3**) having got executed, it would be in the interest of the plaintiff himself that the description as prayed for is allowed, which otherwise does not effect either the merits of the case or require any further evidence.

In view of the above, the present revision is allowed and the impugned order (**P-6**), passed by learned Additional Civil Judge (Sr. Divn.), Tohana is set aside while allowing the application (**P-4**) of the petitioner/defendant No.2. It is, therefore, directed that the necessary corrections as prayed for in the written statement as also in the memo of parties be made out.

Allowed with above directions.

January 20, 2015
Gagan

(JASWANT SINGH)
JUDGE