

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

CR No.1851 of 2014 (O&M)
Date of decision : 29.01.2016

Amritpal Kaur @ Baljit Kaur and ors.

...Appellants

Versus

Sawinder Singh

...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. S.K. Mahajan, Advocate for the petitioners.

Mr. Vaibhav Narang, Advocate for the respondent.

AMIT RAWAL, J. (Oral)

The petitioner-plaintiff is aggrieved of the order dated 05.02.2014, whereby application moved under Order 6 Rule 17 CPC in suit filed under Section 19 of the Hindu Maintenance and Adoption Act seeking leave of the Court to incorporate following khasra numbers, has been declined:-

*“4/16/2 (-52-0) 4/24/1/(4-12) 24/2(3-8) 4/16/3 (1-7)
43/22/5 (1-1) and 1/14 share out of the land measuring 26
kanals 13 marlas Khasra No.10/25/1 (2-2) 25(0-18)
10/13/1 (5-16) 10/10(3-17)14/15/1 (2-4) 5/3 (4-6) 6/1(2-0)
and total land measuring 13 kanals 8 marlas as mentioned*

in the jamabandi for the year 2002-03 situated in Village Bhilowal.”

Mr. S.K. Mahajan, learned counsel appearing on behalf of petitioner-plaintiff submits that in case aforementioned amendment is allowed, plaintiff shall not suffer any loss. The aforementioned khasra numbers owing to the inheritance could not be entered into though jamabandi Ex.P5 mentioning aforementioned khasra number is already on record, thus, prays that impugned order is liable to be set aside and revision petition may kindly be allowed.

Mr. Vaibhav Narang, learned counsel appearing on behalf of respondent-defendant submits that valuable right has accrued in favour of the defendant inasmuch that attempt is to delay the procedure. The issues were framed on 12.12.2011 and application in hand was moved on 24.01.2014, though the jamabandi is already on record. Even application is lacking particulars of expression “despite exercise of due diligence” and rightly so, the trial Court dismissed the application and thus, prays for dismissal of the revision petition.

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

Since, amendment sought to be incorporated is innocuous in nature as it would elucidate the controversy in dispute vis-a-vis claim and does not alter the nature and cause of action, in essence, since petitioner-plaintiff has undertaken not to lead fresh evidence, in this regard. I am of the view that parties would not be prejudiced their rights if the aforementioned amendment is allowed.

It is made clear that the petitioner-plaintiff shall not be entitled to lead evidence as case has reached at the stage of arguments.

Accordingly, impugned order is set aside. Application under Order 6 Rule 17 CPC is allowed.

Revision petition is allowed.

29.01.2016

pawan

**(AMIT RAWAL)
JUDGE**