

211.

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

Civil Revision No.2700 of 2013 (O&M)

Date of decision:10.02.2016

Manjit Kaur

... Petitioner

versus

Ranjit Kaur and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Parveen K. Kataria, Advocate,
for the petitioner.

Mr. Kewal Krishan, Advocate,
for Mr. Premjit Kalia, Advocate,
for respondents 1, 8 to 10 and 13.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. The plaintiff, who sourced her right to the mother and claimed a share equal to that of the brother as on interstate succession, wanted to bring amendment to the plaint to contend that the mother was not the owner but the father was the owner and that on the father's death, the mother was but a sharer along with the plaintiff and the defendants. Consequently, the Will of the mother propounded by the defendants could operate only with reference to

1/9th share and not with reference to the whole of the property. This is truly a whole new plaint which alters the source of title in the manner originally made. The plaintiff will have the option to have her plaint withdrawn and liberty given to her to file a fresh suit on the new facts alleged to have come to the plaintiff of the property as having come to the mother also only from the father as a heir and not on testamentary succession as contended by the defendants. The denial of amendment would not require to be interfered with and the revision petition is dismissed but the plaintiff will have the liberty to chart out a fresh course of action by bringing a fresh suit setting out comprehensively all the facts which, according to the plaintiff, are required to be stated.

2. The revision petition is dismissed but with the above observations.

(K.KANNAN)
JUDGE

10.02.2016
sanjeev