

**In the High Court of Punjab and Haryana at Chandigarh**

**Date of Decision:13.5.2016**

**Civil Revision No. 4067 of 2015**

**Badri**

**---Petitioner**

**vs.**

**Balbir and others**

**---Respondents**

**Civil Revision No. 3834 of 2015**

**Moti Ram**

**---Petitioner**

**vs.**

**Vikram and others**

**---Respondents**

**Civil Revision No.4086 of 2015**

**Badri**

**---Petitioner**

**vs.**

**Balbir and others**

**---Respondents**

**Coram: Hon'ble Mrs. Justice Rekha Mittal**

**\*\*\***

**Present:** Mr.Manu Loona, Advocate  
for the petitioner

Mr. C.M.Munjal, Advocate  
for the respondents

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

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**Rekha Mittal, J.**

This order will dispose of Civil Revision Nos. 3834, 4067 and 4086 of 2015 as identical questions of law and fact are involved for adjudication. However, for the sake of convenience, facts are being taken from Civil Revision No. 4067 of 2015.

Counsel for the petitioner has submitted that as the respondent/plaintiff has been allowed to amend the plaint vide order dated 18.5.2015 passed by the learned trial court, right of the petitioner to file an amended written statement has been wrongly and illegally shut vide impugned orders dated 18.5.2015 and 19.5.2015 (Annexures P1 and P2 respectively).

Counsel for the respondents/plaintiff has submitted that the application for amendment of the plaint was filed to correct a clerical and typographical mistake as the suit land was wrongly mentioned to be situated in village Kheowali Mutsil Kabulshah Khuban in head note and para No. 1 of the plaint whereas the suit land is actually situated in village Lakhewali Mutsil Kabulshah Khuban. It is further argued that as the parties have already adduced evidence knowing fully well that the land in question is situated in village Lakhewali Mutsil Kabulshah Khuban, the trial court has rightly held that there is no requirement to call for filing of amended written statement by the defendant/petitioner.

I have heard counsel for the parties, perused the records and find no merit in the petition.

Balbir Singh and others filed a suit for possession by way of partition of gair mumkin land measuring 5 kanals 9 marlas comprised of khasra No. 376(5-5), 280(0-4) khewat No. 719/655 Khatoni No. 1131 as per

jamabandi for the year 2004-05 situated within the revenue estate of village Kheowali Mutsil Kabulshah Khuban Hadbast No. 252 Tehsil Fazilka District Ferozepur as per share of the parties with consequential relief of permanent injunction restraining the defendants from alienating or parting with possession of the land in dispute.

The defendants filed the written statement raising certain preliminary objections besides contesting claim on merits. They have raised the plea that they are owners in possession of the suit property as it had fallen to their share by way of family partition and the answering defendants have constructed a building over the suit land with their own funds and have spent lakhs of rupees over it. The family partition took place more than 20 years ago and they are in possession since then as owners continuously without any interruption or obstruction.

On a pointed query raised by the Court, counsel for the petitioner has fairly conceded that the petitioner has contested the proceedings knowing fully well that the suit land is situated in village Lakhewali Mutsil Kabulshah Khuban. As the parties have already adduced oral as well as documentary evidence and the documents produced on record pertain to land situated in village Lakhewali Mutsil Kabulshah Khuban, no fault can be found in the order impugned holding that there is no requirement to call upon the defendants to file amended written statement. This apart, counsel for the petitioner is not in a position to assail the order from the point of view that prejudice is likely to be caused to the petitioner in case he is not permitted to file amended written statement.

In view of what has been discussed hereinabove, the petitions

fail and are accordingly dismissed with no order as to costs.

**(Rekha Mittal)**  
**Judge**

**13.5.2016**  
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