

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

**CR No.6312 of 2015
Decided on: 25.05.2016**

Charanjit Kaur (since deceased) through her LRs and another

....Petitioners

Versus

Balwinder Kaur and others

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Harsh Aggarwal, Advocate
for the petitioners.

Mr. Tribhawan Singla, Advocate
for respondent No.1.

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

REKHA MITTAL, J.

The present petition has been directed against order dated 24.08.2015 (Annexure P-6) passed by the Additional District Judge, Sangrur, dismissing application filed by the petitioner for amendment of the plaint during pendency of appeal against the judgment and decree dated 04.10.2011 passed by the trial Court whereby suit filed by plaintiff – Charanjit Kaur was ordered to be dismissed.

Counsel for the petitioner has submitted that by way of proposed amendment, the petitioner wants to amend the plaint to stake her claim to land measuring 06 bighas 08 biswas in respect of Khasra

Nos.55//21/2 (0-3), 96//2/3 (2-16), 145//2/2 (3-5) and 343 (0-4) when earlier she claimed declaration in respect of 1/4th share in land measuring 42 bighas 09 biswas detailed in headnote of the judgment and decree passed by the trial Court. It is further submitted that in case the petitioner is permitted to amend the plaint, she will not pray for adducing additional evidence in regard to facts sought to be incorporated by way of amendment.

Counsel for respondent No.1 has submitted that in view of submissions made by counsel for the petitioner that the petitioner does not intend to adduce any additional evidence on the basis of amendment in the plaint, he has got no objection if the present petition is allowed and the petitioner is allowed to amend the plaint in terms of application Annexure P-4. He further states that the respondents may file written statement to the amended plaint, if need be but no evidence would be adduced by her *qua* the amendment allowed.

In view of the above, the petition is allowed, the impugned order is set-aside. The application filed by the petitioner for amendment of the plaint is allowed with liberty to the petitioner to file an amended plaint, if not filed earlier. The respondent shall be entitled to file written statement to the amended plaint if need be. However, both the parties shall not be permitted to adduce further evidence in view of amendment of the plaint.

25.05.2016
yakub

(REKHA MITTAL)
JUDGE