

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

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**Civil Revision No.1337 of 2017(O & M)
Date of Decision:22.02.2017**

Sukhwant Kaur

....petitioner

Versus

Narinder Singh and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.S.S.Deol, Advocate
for the petitioner

ARUN PALLI, J. (ORAL):

CM No.4053-CII of 2017

Application is allowed as prayed for.

Civil Revision No.1337 of 2017

Vide order, being assailed, dated 07.01.2017, rendered by the Additional District Judge, Tarn Taran, application moved by the defendant-Narinder Singh (respondent No.1), under Order 6, Rule 17 of the Code of Civil Procedure, for amendment in the written statement, has since been granted.

Vide a judgement and decree dated 13.12.2013, trial Court decreed the suit filed by the plaintiff Sukhwant Kaur(petitioner), and she was held to be a co-sharer in joint possession of the suit property. In an appeal preferred by Narinder Singh-respondent No.1, he moved an application seeking amendment in the written statement, for, the sale deed Ex.D1, vide which he acquired title, was stated to have been executed on 04.04.2008. Whereas, it indeed was executed on 30.07.2007. Concededly, the document i.e. sale deed forms part of the record as Ex.D1 and is dated

30.07.2007. In fact, the precise question put to the petitioner/plaintiff by the counsel for respondent No.1 was that he had purchased a land measuring 16 kanals, vide sale deed dated 30.07.2007. But, as in the written statement, the date of execution of the sale deed was mentioned as 04.04.2008, the trial Court resultantly observed that the sale deed was executed during the pendency of the suit. Once that is so, the only and the inevitable conclusion the first appellate court could reach was to grant the amendment prayed for. Particularly, when the Court was of the view; the mistake that had occurred, was only clerical in nature.

That being so, it could not even be said that respondent No.1 was remiss or negligent in pursuing his cause.

That being so, no interference is warranted in exercise of revisional jurisdiction under Article 227 of the Constitution of India. The petition being devoid of merit is accordingly dismissed.

February 22, 2017

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(ARUN PALLI)
JUDGE

Whether speaking/reasoned

Yes/No.

Whether reportable-

Yes/No