

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-4853-2017

Date of Decision:- 27.07.2017

P.N. Ramnan

.....Petitioner

Versus

Narinder Kaur and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Yogesh Goel, Advocate
for the petitioner.

RITU BAHRI, J. (Oral)

Present revision petition under Article 227 of the Constitution of India for setting aside the order dated 30.03.2017 (Annexure P-5), passed by learned Civil Judge (Jr. Divn.), Ludhiana, whereby the application under Order 6 Rule 17 CPC for amendment of written statement filed on behalf of respondents-defendant Nos.2 and 3 in Civil Suit No.292-A dated 18.08.2011, has been allowed.

As per amendment application (Annexure P-3), initially 9 kanal of land was purchased from Pritam Singh son of Naghia Singh, vide sale deed dated 06.01.2000 and another piece of land measuring 8 kanal was purchased from Sukhdeep Kaur wife of Charanjit Singh, vide sale deed dated 07.01.2000. Defendant Atma Ram became owner of 17

kanal of the land and he was delivered the possession of the land. Out of his land so purchased, vide sale deed dated 06.01.2000, sold 5 kanal 7 marla to Kulwinder Kumar, vide sale deed dated 25.10.2012 and sold 3 kanal 13 marla to Ravinder Kaur. Thereafter, he (defendant) delivered the possession of 9 kanal to his vendees i.e. Kulwinder Kumar and Smt. Ravinder Kaur. He had mortgaged his 8 kanal land as guarantee for Akal Casting Pvt. Ltd. with the Oriental Bank of Commerce, Jamalpur, Ludhiana. The answering defendant has been in possession of the land right from the purchase from the original owners and the vendee of the answering defendant are in possession of the land sold to them i.e. Kulwinder Kumar and Ravinder Kaur.

Learned counsel for the petitioner has argued that since the respondents-defendant Nos.2 and 3 have moved an application for amendment of the written statement in order to delay the disposal of the suit, so, the trial Court committed a legal mistake while allowing the said pointed application. Moreover, in support of his arguments, he has placed reliance upon a judgment of the Hon'ble Supreme Court in Ajendraprasadji N. Pande and another Vs. Swami Keshavprakeshdasji N. and others, 2007(1) RCR (Civil) 481.

After hearing the learned counsel for the petitioner, going through the above-said judgment, this Court of the considered view that the proposed amendment is very much essential to decide the real controversy between the parties and the above-said judgment referred by learned counsel for the petitioner is not applicable to the facts of present case. The trial Court appears to have examined the matter in the right

perspective and allowed the application. Learned counsel for the petitioner did not point out any legal infirmity or illegality in the impugned order, so as to interfere, in exercise of revisional jurisdiction of this Court under Article 227 of the Constitution of India.

Accordingly, since there is no merit in the present revision petition, therefore, the same is hereby dismissed as such.

July 27, 2017
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No