

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-6571-2016 (O&M)
Date of Decision:- 27.09.2017

Gurdev Singh

.....Petitioner

Versus

Nirmal Kaur and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Brijender Kaushik, Advocate
for the petitioner.

Mr. Arun K. Vasudeva, Advocate
for the respondents.

RITU BAHRI, J. (Oral)

Present revision petition under Article 227 of the Constitution of India for setting aside the order dated 05.09.2016, passed by learned Additional Civil Judge (Sr. Division), Jaitu, District Faridkot, whereby his application under Order 6 Rule 17 read with Section 151 CPC for amendment of the written statement has been dismissed.

Perusal of the order shows that the present petitioner-defendant wanted to plead agreement to sell dated 13.02.2006, which is executed in favour of defendant by Balwinder Singh, who is predecessor in interest of the plaintiff and the dispute in the suit is with regard to share of Balwinder Singh in the suit property. Even if the defendant was

knowledge of this agreement, the amendment is necessary as the plaintiff is seeking declaration of having share in the property, which is also subject matter of the agreement dated 13.02.2006.

Heard learned counsel for the parties.

Taking into consideration the facts of the present case and to avoid the multiplicity of litigation, the present revision petition is hereby allowed. Impugned order dated 05.09.2016, passed by learned Additional Civil Judge (Sr. Division), Jaitu, District Faridkot is set aside and the application, filed by the petitioner, under Order 6 Rule 17 read with Section 151 CPC, for amendment of the written statement, is being allowed.

Further, it is clarified that the petitioner will complete his evidence within a period of two months from the date of receipt of certified copy of this order.

September 27, 2017
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No