

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No.1484 of 2018
Date of Decision: 07.03.2018

Sukhminder Kaur

.... Peititoner

Versus

Sukhjit Kaur & ors.

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Vishal Gupta, Advocate,
for the petitioner.

RAMENDRA JAIN, J. (ORAL)

This is a totally frivolous petition of defendant No.1 under Article 227 of the Constitution of India laying challenge to the order dated 12.01.2018 of the trial Court (Annexure P-6), allowing the application of respondent No.1-plaintiff for amendment of her plaint under Order 6 Rule 17 CPC.

In nutshell, before the trial commenced, plaintiff-respondent No.1 moved an application for amendment of her plaint laying challenge to the registered transfer deed bearing wasika no. 2263, dated 27.07.2012 and to add one another property of her mother Sukhdev Kaur deceased in the suit.

The trial Court after hearing both the sides, allowed the said application on 12.01.2018.

Learned counsel for the petitioner *inter alia* contends that the trial Court erred in not appreciating that the application moved by respondent No.1-plaintiff for amendment of her plaint was filed after the expiration of the limitation period and therefore, the same was liable to be dismissed. In support of his argument, he relied upon the decisions in Suraj Lamp & Industries (P) Ltd. thru. DIR Vs. State of Haryana & anr., 2010(1) R.C.R. (Civil) 46 and Dilbagh

Singh Vs. Umed Singh and others, 2013(3) PLR 190. Trial Court also erred in

allowing the application without any explanation from respondent No.1-plaintiff as to why she could not lay challenge to the transfer deed executed by her mother and did not add the property left by her at the appropriate stage.

Having given considerable thought to the submission made by learned counsel for the petitioner, I find that the instant revision petition is completely devoid of any merit for the simple reason that the amendment permitted by the trial Court in the plaint would help it to decide the real controversy between the parties in an effective manner leaving no contentious issues untouched.

More so, respondent No.1-plaintiff in her application has sought relief for amendment of her plaint from the date of her knowledge, which falls within limitation. Therefore, the impugned order from any angle do not suffer from any irregularity or illegality.

The facts and circumstances of the above-mentioned citations relied upon by learned counsel for the petitioner are not identical to the facts of the present, rather are distinguishable. Therefore, no benefit of the same can be given to the petitioners.

I have gone through the impugned order and the same is found perfectly legal.

Accordingly, the petition is dismissed.

07.03.2018

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(RAMENDRA JAIN)

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No