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

CR No. 3075 of 2018

Date of Decision: 03.10.2018

Bhalle Ram

-Petitioner

Vs

Ratna and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Manvender Singh Dalal, Advocate,
for the petitioner.

Mr. Shrey Goel, Advocate, for
Mr. J.K. Singla, Advocate,
for the respondents.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner has assailed the order dated 03.04.2018 passed by Civil Judge (Junior Division), Kaithal vide which application under Order 6 Rule 17 CPC filed by the plaintiffs-respondents was allowed.

Learned counsel for the petitioner contended that infact Khasra No.239 was the subject matter of pleadings of the suit. As per revenue record viz. Aks Shijra, said Khasra number is shown to be Gair Mumkin rasta.

The evidence of the plaintiffs has already been concluded.

Defendant is in the process of leading evidence. In

the testimony of PW3- Karan Singh, Revenue Patwari Kalayat, it has come on record that infact at the time of preparation of Aks Shijra, Patwari of said period had committed wrong in mentioning Khasra No.239/1 whereas it was required to be mentioned as Khasra No.231/1. The said statement was made by PW3 on the basis of due consideration of record.

Owing to the aforesaid situation, the application filed by the plaintiffs for amendment of plaint was allowed. The amendment of plaint would entail in granting opportunity to the defendant also to file his amended written statement.

Both the parties would be at liberty to avail at least two opportunities to prove their case by way of leading their respective evidence. In case, plaintiffs lead their evidence on the basis of amended plaint, the defendant would also be entitled to rebut the same.

Since defendant is in the process of leading evidence, therefore, till such time, evidence of the defendant may not be closed by the Court.

Disposed of.

03.10.2018
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No