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

CR No. 4331 of 2013

Date of Decision: 17.07.2018

Pawan Kumar

....Petitioner

Vs

Suresh Kumar and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. G.L. Bajaj, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J.(Oral)

1. Petitioner has assailed the order dated 06.04.2013 passed by Additional Civil Judge (Senior Division), Phul vide which the prayer for amendment of plaint was accepted.

2. The order was in two parts. First part was related to application for bringing on record translated copy of plaint as the original plaint was in Punjabi. The Court while deciding the said prayer observed that filing of translated copy of plaint was only to enable the parties to prepare the case, however, the Court shall look into the original plaint in Punjabi. Second part was related to the amendment of plaint. The original suit was filed for possession by way of partition of House No.B-15/89.

3. Plaintiff claimed himself to be member of Joint Hindu

Family Coparcenary. Inadvertently, due to accidental slip and clerical and typographical omission, the plaintiff mentioned that he is owner to the extent of 1/10th share and defendants No.1 to 9 are owners of 9/10th share. The aforesaid pleadings are sought to be rectified/amended to mention that plaintiff is owner to the extent of 11/30 share and defendant No.9 is owner to the extent of 11/30 share. Defendants No.1 to 8 are owners to the extent of 8/30 share.

4. It is not in dispute that after passing of the impugned order, plaintiff has led some evidence and the petitioner being defendant has already filed his amended written statement.

5. Since the order has already been acted upon and after a delay of more than 05 years, the impugned order cannot be nullified nor any evidence so adduced by the plaintiff can be eschewed in the manner as claimed by the petitioner.

6. This revision petition is found to be devoid of merits and the same is accordingly, dismissed.

17.07.2018
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No