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

**Civil Revision No.6983 of 2017 (O&M)
Date of Decision: 05.09.2018**

AVINASH KAUR

.....Petitioner

Vs

GAURAV MIGLANI AND ORS.

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. A.S. Virk, Advocate
for the petitioner.

Mr. Pardeep Sehrawat, Advocate
for respondent No.1.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner has assailed the order dated 09.09.2017 passed by the Civil Judge (Sr. Divn.) Kurukshetra, whereby the application filed by the plaintiff/petitioner under Order 6 Rule 17 CPC for amendment of the plaint was rejected.

[2]. In a suit of declaration, following prayer was made by the plaintiff:-

"It is, therefore, prayed that a decree for declaration to the effect that the plaintiff is joint owner in possession of 3/4th share in the suit property detailed in para no.2 of the plaint and the alleged sale deed No.7890

dated 09.11.2012 has no binding effect on the rights of the plaintiff in any manner being null and void, alongwith a consequential relief of permanent injunction restraining the defendants no.1 and 2 from alienating the suit property/plot or in any manner, forcibly and illegally, be passed with costs in favour of the plaintiff and against the defendants.”

[3]. By way of proposed amendment, plaintiff sought to amend the pleadings to the following effect:-

“and a charge be created on the suit property for the recovery of the principal amount of Rs.16 lacs, interest thereon and costs etc.”

[4]. After filing of the suit, defendants filed the written statement wherein factum of further sale deed executed by defendant No.1 came to fore.

[5]. The trial Court while dismissing the application has observed that subsequent purchaser is a vendee *lis pendens* and shall be bound by the decree of the Court, therefore, proposed amendment was not allowed to be incorporated.

[6]. In view of aforesaid facts, learned counsel for the petitioner seeks withdrawal of this revision petition with a liberty to assail the subsequent sale deed in according with law.

[7]. Dismissed as withdrawn with the aforesaid liberty.

September 05, 2018

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No