

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

**CR No.4641 of 2018(O&M)
Date of Decision: 05.02.2019**

Gurmail Singh

.....Petitioner

Versus

Sarup Chand and others

.....Respondents

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

Present: Ms. Nupur Sood, Advocate for
Mr. Namit Gautam, Advocate
for the petitioner.

Mr. Alankrit Bhardwaj, Advocate
for respondent No.1.

RAJ MOHAN SINGH, J.(Oral)

[1]. As per office report, respondent No.2 is stated to be dead. Respondents No.1 and 3 are served. As per amended plaint, respondent No.1 is the plaintiff i.e. contesting respondent in the present case.

[2]. Learned counsel appearing for the petitioner submitted that respondents No.2 and 3 are co-defendants with the petitioner, therefore, they are not necessary to be served at this stage.

[3]. In view of nature of order which this Court proposes to pass, there is no necessity to serve respondent No.2 at this stage.

[4]. Perusal of the record would show that the description of property as given in the agreement to sell was “property No.14311, Street No.2, Dholewal, Ludhiana” in respect of said property. Defendants have denied the existence of said property in Street No.2. By way of proposed amendment, plaintiff sought to incorporate description of property No.14311 in street No.4.

[5]. Instead of seeking correction in the plaint, a composite application under Order 1 Rule 10 CPC and Order 6 Rule 17 CPC was filed. In view of ratio laid down in **Nirmal Singh and others Vs. Tarsem Singh and others, 2015(2) RCR (Civil) 679** such an application for joint prayers is not maintainable.

[6]. Faced with this situation, learned counsel for respondent No.1 submitted that the plaintiff may be allowed to file separate applications for distinct relief and in the event of filing such applications, the same may be disposed of by the trial Court in accordance with law.

[7]. After considering the issue, I find that the prayer is not unreasonable. Impugned order is set aside, however liberty is granted to the plaintiff to file separate applications for the distinct relief. In the event of filing such applications, trial Court

shall be obligated to pass appropriate order in accordance with law.

05.02.2019

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No