

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

**C. R No. 4085 of 2019 (O&M)
Date of decision : 05.07.2019**

Radhika AroraPetitioner
versus

Santosh and anr. ...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Umesh Aggarwal, Advocate
for the petitioner.

RITU BAHRI, J. (Oral)

Challenge in this petition is to order dated 18.03.2019 (P-6) passed by learned Civil Judge (Jr. Divn.) Amritsar whereby an application under Order 6 Rule 17 CPC read with Section 151 of the petitioner for amendment of the plaint, has been dismissed.

A bare perusal of the impugned order shows that plaintiff/petitioner filed an application to incorporate para No. 3 to the effect that she had spent the amount for the purchase of the property in dispute by selling her other property at Anand Avenue, Amritsar. After the sale of the above property, she deposited sale amount in her bank account bearing No. 1191432795 in Central Bank of India Katra Ahluwalia Branch, Amritsar from where the petitioner paid the sale consideration for the purchase of her share in the property in question.

Learned counsel submits that till date not even a single evidence has been recorded and the matter is at initial stage i.e plaintiff's evidence. The petitioner moved the present application immediately after

framing of the issues.

Learned counsel has referred to replication filed by the petitioner to the written statement filed by defendant Nos. 1 and 2 wherein the petitioner has stated that it is being denied that she never paid her part of consideration for purchasing the property in question. She has paid the amount regarding her share from her own pocket. But inadvertently the petitioner admitted regarding the total sale consideration of Rs.1,15,00,000/- being paid by the defendants.

Learned counsel submits that the observations made in the impugned order can have larger repercussions during trial.

Keeping in view the peculiar facts of the case, the present revision petition stands allowed and order dated 18.03.2019 (P-6) is set aside. The petitioner is permitted to amend her plaint, subject to deposit of cost of Rs.10,000/- by the petitioner before District Legal Services Authority, Amritsar. Thereafter, the trial Court will proceed with the case in accordance with law.

05.07.2019

G.Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No