

114	R.A. No. 131-2019 in C.R. No. 4085-2019	RADHIKA ARORA V/S DR. SANTOSH AND ANR.
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Present : Mr. Vivek Salathia, Advocate
for the applicants/respondents.

The present application is for review of final order dated 05.07.2019 (R-1) passed in C.R. No. 4085 of 2019.

Learned counsel for the applicants submits that this Court without giving any opportunity to the respondents had passed the above order. It has further been argued that apparently the petitioner has not disclosed the fact that admissions made by the plaintiff could not be withdrawn by way of amendment under Order 6 Rule 17 CPC. He has further submitted that in the civil suit filed by the plaintiff/petitioner, she had alleged that the suit property was purchased for a valuable consideration of Rs.1 crore 15 lacs vide registered sale deed dated 24.03.2011 in which applicant No. 1/respondent No. 1 had 40% share and the petitioner and respondent No. 2 had 30% share each. Petitioner had admitted that for the purpose of purchasing the suit property, she had contributed out of her own funds. Learned counsel has further argued that the petitioner had admitted in her replication to the written statement that the total sale consideration was paid by the respondents.

After hearing learned counsel for the applicants at length, the present review application is liable to be dismissed. A bare perusal of the replication filed by the petitioner (P-3) shows that the petitioner in para No. 4 has denied the alleged detail made by the respondents. Reference at this stage can further be made to application made by the petitioner for amendment wherein she has stated that she had spent the amount for the purchase of the property in dispute by selling her other property situated at Anand Avenue, Amritsar. After the sale of this property, she deposited the sale amount in her bank account bearing NO. 1191432795 in Central Bank of India, Katra Ahluwalia Branch, Amritsar.

Thus, both the parties will now have to lead evidence with regard to payment made by them in the trial Court.

No ground is made out interfere in the order dated 05.07.2019.

The review application stands dismissed.

04.09.2019

G Arora

(RITU BAHRI)
JUDGE