

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

C.R No. 6221 of 2019
Date of decision:- 30.09.2019

Ashok Kumar (deceased) through his LRs and anr. ...Petitioners

Versus

Anita Rani ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Satvir Singh, Advocate
for the petitioners.

RITU BAHRI J. (Oral)

Challenge in this petition is to order dated 02.09.2019 (P-5) vide which an application (P-2) filed by the respondent/plaintiff for amendment of the plaint has been allowed.

The respondent/plaintiff filed a suit for declaration to the effect that sale deed dated 20.05.2015 executed by Sh. Ashok Kumr in favour of defendant No. 2 on the basis of cancelled general power of attorney dated 29.12.2003 is illegal, null and void.

Learned counsel while referring to order dated 22.11.2016 submitted that the application of the plaintiff/respondent has already been dismissed for restraining petitioner No. 2 from alienating, mortgaging or creating any third party interest in the suit property till final disposal of the suit and thus, the present application seeking amendment of the plaint has wrongly been allowed.

The present revision petition is liable to be dismissed as the issues have already been framed and the trial is at the stage of evidence.

The onus is on the plaintiff to lead evidence with regard to general power of

attorney dated 29.12.2003.

Further argument of learned counsel for the petitioner that the possession is with defendant No. 2 and the application has thus been wrongly allowed. This aspect is to be seen by the trial Court as the issues have already been framed. No fresh evidence is required to be led by the petitioner.

Dismissed.

30.09.2019

G Arora

Whether speaking/reasoned
Whether reportable

Yes
No

(RITU BAHRI)
JUDGE