

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

CR No.854 of 2020(O&M)

Date of decision: 6.2.2020

Parkash Kaur (since deceased) through LRsPetitioner

VERSUS

Lakha Singh and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. G.S. Sirphikhi, Advocate for the petitioner.

REKHA MITTAL, J. (Oral)

Challenge in the present petition has been directed against order dated 06.12.2019 (Annexure P-10) passed by the executing Court whereby application under Order 6 Rule 17 and Section 151 of the Code of Civil Procedure, 1908 (in short 'the Code') for amendment of the objections under Order 21 Rule 97 to 106 of the Code has been dismissed.

Perusal of the application for amendment would reveal that the petitioner sought to narrate the facts with regard to Parkash Kaur having filed a review petition before this Court in RSA No.2020 of 1989 and dismissal of the said review petition vide order dated 18.12.2009, the executing Court dismissed the application that facts sought to be added by way of amendment were to the knowledge of objector before filing of objections and application has been filed just to delay proceedings of the case.

By way of proposed amendment, the objector sought to bring to notice of Court an order passed by the High Court in a review petition

filed by the objector. No such finding has been recorded by the Court that the proposed amendment is not material for deciding the objection petition or allowing the same would cause such a prejudice to the other side for which contesting party cannot be compensated with costs. In the given circumstances, the order impugned cannot be allowed to sustain and accordingly set aside. The application filed by the petitioner for amendment of objection petition is allowed subject to payment of costs of Rs.5000/- to be paid by way of demand draft in the name of respondent/decree holder Lakha Singh within a period of 10 days.

Before parting with this order, it is clarified that the petition has been disposed of without notice to respondent No.1 in order to save him from unnecessary expense and inconvenience. However, respondent No.1 would be at liberty to file an appropriate application in case he has any grievance to express.

FEBRUARY 6, 2020

‘D. Gulati’

Whether speaking/reasoned :

Whether reportable :

(REKHA MITTAL)

JUDGE

yes/no

yes/no