

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-4411 of 2018 (O&M)
Date of decision: 06.12.2022

Gian Chand Jain (since deceased) through his LRs

..Petitioner

Versus

Ajit Parsad Jain and others

..Respondents

CR-4764 of 2018 (O&M)

Ajit Parsad Jain

..Petitioner

Versus

Gian Chand Jain (since deceased) through his
LRs and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajay Jain, Advocate,
for the petitioner (in CR-4411 of 2018) and
for respondents no.1(A) to 1(E) (in CR-4764 of 2018)

Mr. Abhinav Gupta, Advocate
for the petitioner (in CR-4764 of 2018) and
for respondent no.1(in CR-4411 of 2018)

ANIL KSHETARPAL, J(Oral)

1. These two revision petitions and correctness of an interlocutory order passed by the trial Court on 03.07.2018, have been challenged.
2. A suit for possession by way of partition of the property is pending for adjudication in between the parties.
3. Late Sh. Gian Chand Jain was the defendant no.1. He died on 09.04.2014. His legal representatives were brought on record on

18.07.2014. However, his legal representatives while filing the written statement, filed the copy which late Sh. Gian Chand Jain had signed before his death. This fact came to the notice of the parties when the case was at the stage of the final arguments. The trial court has permitted the legal representatives to file a fresh written statement. The plaintiff assails the correctness of the aforesaid order.

4. By the aforesaid order itself, the court has rejected the defendants' prayer for amendment of the written statement. In the preliminary objections as well as on merits, it was stated that Sh. Munshi Lal Jain was the owner in possession of the property, who had given the property to his wife Smt. Chameli Devi in a family settlement. Smt. Chameli Devi subsequently bequeathed the property in favour of defendant no.1. However, in one paragraph of the written statement, it was stated that Sh. Munshi Lal Jain had bequeathed the property to his wife Smt. Chameli Devi, and, this fact is sought to be corrected.

5. Once the correct facts have already been stated by the defendants in some of the paragraphs of the written statement, this court does not find it appropriate to allow the amendment, at this stage, particularly when the case is fixed for the final arguments.

6. The facts sought to be corrected are required to be proved on the basis of evidence which has already been led by the parties. In such circumstances, the Court will appreciate those facts and decide the case accordingly. The trial court will not give undue credence to the incorrect facts stated in one of the paragraph in the written statement, ignoring the significant facts in the matter.

7. With these observations, both the revision petitions are disposed

of.

8. All the pending miscellaneous applications, if any, are also disposed of.

December 06, 2022

(ANIL KSHETARPAL)
JUDGE

nt

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>