

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

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(1)

CR-4417 of 2018 (O&M)
Date of Order: 13.05.2022

Meenu Rani

..Petitioner

Versus

Tejswi and others

..Respondents

(2)

CR-8131 of 2018 (O&M)

Meenu Rani

..Petitioner

Versus

Sushil Kumar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Govind Chauhan, Advocate
for the petitioner.

Mr. Pritam Singh Saini, Advocate
for the respondents.

ANIL KSHETARPAL, J(Oral)

These two revision petitions are inter-se connected. In fact, **the** petitioner in both the petitions is common. Civil Revision No.4417 of 2018 has been filed by defendant no.1, assailing the correctness of the order passed by the trial court permitting the plaintiffs to amend the plaint. The plaintiffs were minor at the time of the filing of the suit. They filed the suit through their maternal uncle. After attaining the age of majority, they sought permission to amend the plaint in order to give /state the correct facts. The aforesaid application has been allowed by the trial court.

This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

The learned counsel representing defendant no.1 contends that the plaintiffs are, in fact, withdrawing admission to the effect that Sh.

Sushil (their father) on the death of Smt. Neelam inherited 1/3rd share in the property along with the plaintiffs (Tejswi and Arshdeep children of Sh. Sushil and late Smt. Neelam). He submits that Sh. Sushil, who is defendant no.2 in the suit has filed the present suit through his children after selling the property by a registered sale deed in favour of defendant no.1, on 17.08.2010. He submits that by way of an amendment the plaintiffs now wish to assert that there was divorce between Late Smt. Neelam and Sh. Sushil. Consequently, Sh. Sushil did not inherit any part of the property.

Per contra, the learned counsel representing the respondents submits that the plaintiffs were minors and at this stage, particularly, when the trial of the suit is pending, the court has only permitted the plaintiffs to amend the plaint.

Undoubtedly, in the normal circumstances, it is not permissible to withdraw the admission. However, the plaintiffs were minors when the suit was filed. They on attaining the age of majority, want to give correct facts. The defendant can always plead and prove that the suit is a result of collusion between the children and their father. The trial court in exercise of its discretion has permitted the plaintiffs to amend the plaint. At this stage, it would not be appropriate for the High Court to interfere in exercise of its jurisdiction under Article 227 of the Constitution of India. However, it shall be open to the petitioner to object to the maintainability of the suit including the plea of bonafide purchaser while defending the suit.

Hence, no ground to interference is made out.

Dismissed.

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

Civil Revision No.8131 of 2018(O&M)

The learned counsel representing the petitioner prays for permission to withdraw the present revision petition.

Ordered accordingly.

May 13, 2022

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No