

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

127

CR-1002-2020

Date of decision: 20.09.2022

HARPREET SINGH

..Petitioner

Versus

HARMANJEET KAUR AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Anish Setia, Advocate
for the petitioner.

Mr. Aman Bahri, Advocate
for respondent No.1, 2 and 4 to 6.

ANIL KSHETARPAL, J(Oral)

The trial Court has dismissed the application filed by the petitioner (defendant) to amend the written statement vide order dated 30.01.2020. Assailing its correctness, the present revision petition has been filed.

The parties to this litigation are the members of a family. They are inter-related.

The defendant while filing the written statement has claimed that the suit property i.e. House No.2240, Mari Wala Town, Manimajra, is located in Rectangle No.71, Khasra No.29/1/9. Subsequently, he filed an application claiming that the property is in fact located in Rectangle No.70, Khasra No.49/3. The case is at the stage of defendant's evidence. If the amendment is allowed at this stage, a *de novo* trial will start. However, at the same time, defendant has already filed an application for permission to amend.

Keeping in view the aforesaid facts, the revision petition is disposed of while directing the Court to come to an independent conclusion

as to in which khasra number, House No.2240, Mari Wala Town, Manimajra, is located. Ultimately, the Court is required to decide the aforesaid fact on the basis of the evidence produced. However, the case shall not be decided only on the ground that the defendant has taken a particular stand that the property is located in Rectangle No.71, Khasra No.29/1/9. The respondent on the other hand claims that the suit property does not fall in any khasra number but it is governed by the municipal number.

While deciding the case, the Court will identify the suit property and give its findings accordingly. The Court shall not be bound to give findings as to in which khasra number the property is located or not.

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

September 20th, 2022

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**(ANIL KSHETARPAL)
JUDGE**

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