

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

CR-2157-2019 (O&M)

Date of decision: 21.11.2022

Pawanpreet Singh and others

....Petitioners

Versus

Preetjyot Kaur

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. H.S.Dhindsa, Advocate for the petitioners

Mr. Namit Gautam, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

1. An application filed by the plaintiff, for permission to amend the plaint, in order to seek a decree for declaration to the effect that various sale deeds executed by her father on 25.05.2015 are null and void, has been allowed by the trial court. In the beginning the plaintiff filed a suit for grant of decree of permanent injunction, restraining the defendants from interfering into her peaceful possession. In the written statement, the defendants disclosed the execution of sale deeds by the plaintiff's father. Thus, the plaintiff filed an application for permission to amend the plaint, which has been allowed. This revision petition has been filed, assailing the correctness of the aforesaid order passed by the trial court.

2. Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

3. On the one hand, the learned counsel representing the petitioners contends that the execution of the sale deed by the plaintiff's

father was disclosed on 05.11.2015, whereas the application was filed after the delay of 2 ½ years i.e on 16.05.2018.

4. On the other hand, the learned counsel representing the respondent (the plaintiff in the trial court) submits that the application for amendment has been filed within a period of 3 years, from the date of the execution of the sale deed.

5. This Court has considered the submissions and analyzed the arguments of the learned counsel representing the parties. The trial court in its discretion has allowed the application for permission to amend the plaint. There is no substance in the argument of the learned counsel representing the petitioners that granting leave to the plaintiff to amend the plaint would change the nature of the suit filed by the plaintiff. It is admitted by the learned counsel representing the petitioners that a cross suit, for the grant of decree of possession, has already been filed by the defendants, which has now reached at the stage of recording the plaintiff's evidence.

6. Keeping in view the aforesaid facts, no ground to interfere is made out in exercise of the powers under Article 227 of the Constitution of India.

7. Hence, dismissed.

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

21.11.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE