

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

120

CR-2478-2020

Date of decision: 01.08.2022

DEEPAK AND OTHERS

..Petitioners

Versus

AJMER SINGH AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep K. Sharma, Advocate
for the petitioners.

Mr. Amardeep Hooda, Advocate
for respondent No.1 and 2.

ANIL KSHETARPAL, J(Oral)

Defendant No.3 to 5 assail the correctness of order dated 28.09.2020, passed by the Additional Civil Judge (Junior Division), Meham, while permitting the plaintiff to amend the plaint. The plaintiffs filed a suit for grant of the following relief:-

“It is therefore prayed that a decree for declaration to the effect that sale deed No.2697 dated 27.01.2020 executed by defendant No.2 in favour of defendant No.1 and other alleged sale deeds claimed by the defendants No.3 to, if any, are void, illegal, ultra vires and not binding upon the rights of the plaintiffs with a consequential relief of permanent injunction restraining the defendants from illegally and forcibly and otherwise than in due course of law, interfering in the peaceful possession of the plaintiffs over the property in dispute i.e. the portion marked by letters ABCD and shown in red colour in the site plan attached and from alienating the same in any manner may kindly be passed in favour of the plaintiffs and against the defendants with costs. Any other relief which is deemed just and proper be also awarded to the plaintiffs.”

During the pendency of the suit, an application filed under Order VI Rule 17 CPC and Order I Rule 10 CPC was filed. The plaintiff in the application stated as under:-

“11. That now the defendant No.3 to 5 have disclosed in

their written statement that their alleged predecessor Darka purchased a plot of 500 sq. yards from Jailal, the great grandfather of the plaintiffs by way of sale deed No.64 dated 06.03.1964 which is an illegal and forged sale deed.”

The trial Court has allowed the application on the ground that the plaintiffs are now seeking to be more specific regarding the sale deed executed in favour of defendant No.2 to 5 dated 06.03.1964.

Admittedly, the plaintiffs are not the executants of the sale deed dated 06.03.1964. They have already sought declaration with respect to the sale deed dated 20.01.2020, whereas, with respect to the other alleged sale deeds, the plaintiffs have claimed that if there are any other sale deeds, the same are also not binding on their rights.

The learned counsel representing the petitioner contends that a new case has been set up by the plaintiffs while filing an application for permission to amend the plaint. This Court has considered submissions, however, finds no merit.

The suit was filed in the year 2020. The plaintiffs have already stated that if there is any other sale deed, the same is also not binding on their rights.

In the written statement, the defendants disclosed that there is a sale deed in favour of defendant No.3 to 5 dated 06.03.1964. By way of an amendment, specific pleadings, with regard to the aforesaid sale deed, have been permitted to be incorporated. Hence, no ground to interfere is made out.

Dismissed.

Needless to observe that the petitioner shall have the liberty to

take all points before the trial Court.

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

August 01st, 2022

Ay

(ANIL KSHETARPAL)
JUDGE

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