

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CR No.5509 of 2019 (O&M)
Date of Decision : 31.08.2022**

Ramesh Sachdeva

....Petitioner

VERSUS

Roshan Lal and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Sanjay Majithia, Sr. Advocate with
Mr. R.P. Daaria, Advocate for the petitioner.

Service of respondent Nos.1 to 7 was dispensed with vide order dated 06.02.2020.

Mr. Vishal Sharma, Advocate for respondent Nos.8 to 27.

ALKA SARIN, J. (Oral)

CM-10433-CII-2022

This is an application under Order XXII Rule 3 read with Section 151 of the Code of Civil Procedure, 1908 for bringing on record the legal representatives of petitioner, Ramesh Sachdeva, who is stated to have died on 19.09.2020.

Learned counsel appearing on behalf of respondent nos.8 to 27 states that he has no objection if the present application is allowed and the legal representatives of the petitioner are impleaded as a party.

In view of the above and for the reasons stated in the application, the same is allowed. The legal representatives of the petitioner as mentioned in para 2 of the application are impleaded as party. Amended memo of parties is taken on record. *Vakalatnama* of Mr. Shailendra Sharma, Advocate on behalf of the legal representatives of the petitioner has already been appended with the application, which is taken on record.

CR-5509-2019

The present revision petition under Article 227 of the Constitution of India has been filed challenging the order dated 17.08.2019 passed by Additional Civil Judge (Sr. Division), Hoshiarpur vide which the

application filed by the plaintiff-petitioner under Order VI Rule 17 CPC for amendment of the plaint has been declined.

Learned counsel for the plaintiff-petitioner would contend that in the suit the plaintiff-petitioner intended to seek the relief of partition of the suit property by metes and bounds but inadvertently in the head note as well as in the prayer clause the said fact was not mentioned. However, the same facts pleaded in the body of the plaint. Learned counsel for the plaintiff-petitioner would further contend that no further evidence is required to be led in this regard.

Learned counsel appearing on behalf of the defendant-respondent nos.8 to 27 states that he has no objection if the application filed by the plaintiff-petitioner for amendment of the plaint is allowed.

In view of the statement made by learned counsel for the defendant-respondent nos.8 to 27, the present revision petition is allowed. The impugned order passed by the Trial Court is set aside and, consequently, the application filed by the plaintiff-petitioner under Order VI Rule 17 CPC for amendment of the plaint (Annexure P-3) stands allowed.

The present revision petition is disposed off in the above terms. Pending applications, if any, also stand disposed off.

31.08.2022
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO