

CR-5899-2022

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

CR-5899-2022

Date of Decision: December 14, 2022

Baldev Singh

...Petitioner

Versus

Davinder Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Kushagra Mahajan, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

Petitioner is the plaintiff before learned Trial Court. His application seeking amendment of the plaint under Order 6, Rule 17 CPC has been rejected by the Trial Court vide impugned order dated 05.11.2022, against which this revision is filed.

2. It is contended by learned counsel that plaintiff challenged two sale deeds – (i) bearing Vasika No.2310, dated 30.05.2014 purported to have been executed by Smt. Charno in favour of respondent No.1; (ii) bearing Vasika No.2311, dated 30.05.2017, purported to have been executed by Smt. Charno in favour of Davinder Kaur. Defendants in the written statement admitted the date of execution of both the sale deeds to be 30.05.2014. However, inadvertently the date of the second impugned sale deed i.e. bearing Vasika No.2311 was mentioned to be 30.05.2017 in the plaint. Plaintiff moved an application for amendment seeking the necessary correction, which has been declined.

3. Heard.

CR-5899-2022

4. Considering the nature of the proposed amendment and the fact that even defendants admitted the date of execution of impugned sale deed, present revision is accepted. The impugned order is hereby set aside. The Trial Court is directed to take the amended plaint on record and proceed further in accordance with law.

5. However, the revision is allowed, subject to payment of ₹5,000/- as costs to be paid to the opposite party by way of a demand draft.

6. This order has been passed without serving notice to the respondents in order to avoid any delay in the matter. However, if the respondents are aggrieved by this order, they can approach this Court.

December 14, 2022
sarita

(DEEPAK GUPTA)
JUDGE

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