

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

**CR No.8166 of 2019(O&M)
Date of decision: 26.08.2022**

Reshma Devi

..Petitioner

Versus

Mohinder Kumar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Parminder Singh, Advocate,
for the petitioner.
Mr. Parveen Kumar Rohilla, Advocate
for respondent no.1 to 5.

ANIL KSHETARPAL, J(Oral)

The dispute in this case is between the family members. Plaintiff no.3 is a widow of late Sh. Ram Kumar, whereas plaintiff no.1 and 2 are her children from the loins of late Sh. Ram Kumar. Defendant no.1 and 2 are brothers of late Sh. Ram Kumar.

The plaintiffs filed a suit for grant of decree of declaration claiming share in the property of the family. During the pendency of the suit, it is alleged by the plaintiffs that a settlement was arrived at between the parties, whereas this fact is strongly disputed by the defendants.

An application filed by the plaintiffs to amend the plaint in order to incorporate the settlement deed has been dismissed. This revision petition has been filed challenging the same.

This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the paper book.

The trial court while dismissing the application has stated that the deed of settlement is not signed by Smt. Seema, Smt. Parmila, Smt. Reeta Devi, sisters of late Sh. Ram Kumar and defendants no.1 and 2. The court has also held that the trial has commenced.

In the considered opinion of this court, such settlement, if any, arrived at between the parties would be an important piece of evidence. Hence, the plaintiffs are required to be granted an opportunity to prove that particular fact. The plaintiffs have already claimed the said property by filing the suit for declaration with the consequential relief of permanent injunction.

The settlement, if any, is a matter of evidence.

Hence, let the plaintiffs lead evidence to prove the same.

With these observations, the revision petition is disposed of.

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

August 26, 2022

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**(ANIL KSHETARPAL)
JUDGE**

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>