

**125-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1.CR-7696-2014 (O&M)

Parshotam Dass

..Petitioner

Versus

Durga Dass and others

.Respondents

2.CR-724-2015 (O&M)

Durga Dass

..Petitioner

Versus

Parshotam Dass and others

.Respondents

Date of decision: 01.09.2023

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Ajaivir Singh, Advocate for the petitioner
in CR-7696-2014 and
for respondent no.1 in CR-724-2015

Mr. Namit Gautam, Advocate for respondent No.1
in CR-7696-2014 and
for the petitioner in CR-724-2015

ANIL KSHETARPAL, J (Oral)

1. By this order, two connected revision petitions i.e CR-7696-2014 and CR-724-2015 shall stand disposed of.

2. In CR-7696-2014, the petitioner herein is the defendant in a pending suit filed by the plaintiff for grant of decree of declaration that he is owner in possession of the suit property and the judgment and decree dated 15.09.1992 is illegal, null and void. The suit was filed in the year 1998. During the pendency of the suit, an application for permission to amend the plaint was allowed on 16.05.2014. Defendant

no.1, while filing the reply to the amended plaint, incorporated certain preliminary objections, without seeking prior permission of the court in this regard. The trial court has observed that only the portion of the reply that answers the amended plaint shall be taken into consideration.

3. Upon realizing the law laid down by the Hon'ble Supreme Court in **Gurdial Singh and others vs. Raj Kumar Aneja and others 2002 AIR (SC) 1003**, the learned counsel representing the petitioner prays for permission to withdraw the revision petition in order to file an application for permission to amend the written statement before the trial court. He submits that the court of first instance should be requested to decide the same within a period of one month.

4. Learned counsel representing the respondent has no objection thereto.

5. In view of the aforesaid facts, the revision petition is disposed of with a request to the trial court to decide the application which may be filed by defendant no.1 for permission to amend the written statement within one month of its filing.

6. In CR-724-2015 the petitioner is a plaintiff. His application under Order 1 Rule 10 read with Order VI Rule 17 of the Code of Civil Procedure, 1908, has been dismissed by the trial court. Learned counsel representing the petitioner submits that in view of the order passed in CR-7696-2014, no further order in this revision petition is required to be passed.

7. Both the revision petitions are disposed of in the
aforementioned terms.

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

01.09.2023
rekha
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE