

CR-1131-2020 (O&M)

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

**CR-1131-2020 (O&M)  
Date of Decision : 23.03.2023**

Nirmala

....Petitioner

VERSUS

Naresh Kumar and Others

....Respondents

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Sachin Mittal, Advocate for the petitioner.

Mr. D.S. Adlakha, Advocate for respondent No.1.

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**ALKA SARIN, J. (Oral)**

The challenge in the present revision petition is to the order dated 18.01.2020 passed by the Trial Court whereby the application filed by the plaintiff-petitioner for amendment of the plaint has been dismissed.

The brief facts relevant to the present *lis* are that the plaintiff-petitioner had filed a suit on 28.03.2018 for declaration to the effect that the plaintiff-petitioner is the joint owner in possession to the extent of 1/5<sup>th</sup> share of the properties as mentioned in the plaint. At the time of rebuttal and arguments, an application for amendment of the plaint was filed seeking the following amendments :

- i) In the 12<sup>th</sup> line from the bottom “**defendant no.2 be rectified as defendant no.1**”

- ii) In the 1<sup>st</sup> line at page 12<sup>th</sup> in the relief column  
**“defendant No.2 be rectified as defendant No.1”**
- iii) The name of defendant No.2 be rectified as **“Balinder @ Virender son of Sh. Harchit, resident of Village Jaidhari, Tehsil Chhachhrauli, District Yamuna Nagar in place of Balinder son of Sh. Harchit, resident of village Jaidhari, Tehsil Chhachhrauli, Ditriect Yamuna Nagar”**
- iv) In the heading of the plaint the property no.2 after property no.1(e) following property are to be added (f)  
**“land measuring 8 kanal 0 Marlas 251, Khasra No.26/15”**
- v) (g) **“land measuring 0 kanals 10 Marlas being 41/1796 share out of land measuring 22 Kanals 9 Marlas bearing Khewat No.44, Khtauni No.54 and 55, Khasra No.17//21/3, 22, 25/ /7, 14, 17, situated within the revenue estate of village Urjani, HB.No.203, Tehsil Chhachhrauli, District Yamuna Nagar”.**

The application was contested by the defendant-respondents and vide the impugned order the Trial Court dismissed the same. Hence, the present revision petition.

Learned counsel for the plaintiff-petitioner states that the amendments sought are necessary and are only formal in nature and that no further evidence would be required to be led in this regard.

*Per contra*, learned counsel for the defendant-respondents states that he would have no objection if the amendments are allowed being formal in nature and that he may be also permitted to file an amended written statement though they would also not lead any evidence in this regard.

In view of the statements made by the parties, the present revision petition is allowed. The impugned order dated 18.01.2020 passed by the Trial Court is set aside and the application for amendment stands allowed. However, it is clarified that though the defendant-respondents would be permitted to file an amended written statement, however, both the parties shall not lead any further evidence in this regard. Pending applications, if any, also stand disposed off.

March 23, 2023  
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(ALKA SARIN)  
JUDGE

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