

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

**CR-8434 of 2018(O&M)
Date of Order:12.09.2023**

Ashok Kumar

.Petitioner

Versus

Satish Kumar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Y.S.Turka, Advocate, for the petitioner.
Mr. C.S.Singhal, Advocate, for respondent no.1.**

ANIL KSHETARPAL, J

1. The correctness of the order passed by the court of first instance while allowing an application for permission to amend the plaint in order to challenge the correctness of gift deed dated 01.05.2012, which was allowed has been assailed in this revision petition.

2. A bare perusal of the order shows that the defendants' objection with regard to the limitation period has not been considered by the court of first instance.

3. The learned counsel representing the petitioner submits that the plaintiff and defendant no.1 are brothers and the plaintiff filed a suit for grant of decree of declaration that the will dated 17.04.2012, executed by their father late Sh. Mohan Lal is illegal, null and void.

4. In the written statement filed on 13.03.2014, the defendant disclosed that late Sh. Mohan Lal also executed a registered gift deed on 01.05.2012 in his favour.

5. The application for permission to amend the plaint so as to incorporate challenge to the gift deed was filed on 23.08.2018, which was

beyond the prescribed period of limitation.

6. At this stage, the learned counsel representing the parties have come to a consensus. They pray that the trial court be directed to pass a fresh order after considering the objection with regard to the limitation period.

7. Ordered accordingly.

8. The revision petition is disposed of.

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

September 12, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO