

2024:PHHC:041411

**120-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1.CR-8164-2017 (O&M)

Karamjit Singh and another
....Petitioners
Versus
Smt. Kuldip Kaur
..Respondent

2.CR-8293-2017 (O&M)

Sukhwinder Singh
....Petitioner
Versus
Smt. Kuldip Kaur
..Respondent

Date of decision: 21.03.2024

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Sandeep Bansal, Advocate for the petitioners
Mr. Rishabh Gupta, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

After hearing the learned counsel representing the parties on
18.03.2024, the following order was passed by this Court:-

- 1. These two revision petitions have been filed to challenge the correctness of the interlocutory order dismissing the plaintiff's application for permission to amend the plaint passed by the Trial Court on 11.10.2017.*
- 2. In order to comprehend the issue involved in the present case, the relevant facts, in brief, are required to be noticed. Late Sh.Balwant Singh was the owner of land measuring 61 kanals and 1 marla. He had four daughters, namely Smt. Om Kaur, Smt. Kuldeep Kaur, Smt. Kewal Kaur and Smt. Kamaljit Kaur. Plaintiffs-Karamjit Singh and Others are the children of late Smt.Om Kaur, daughter of Sh. Balwant Singh. On 24.04.1999, Sh.Balwant Singh had transferred land measuring 16 kanals in favour of late Smt. Om Kaur. Subsequently, Sh.Balwant Singh had transferred land measuring 21 kanals and 1 marla in favour of plaintiff Karamjit Singh and others, who are the children of late Smt.Om Kaur, vide sale deed*

dated 10.11.1999. Sh.Balwant Singh died on 28.11.1999 and left behind a testamentary disposition dated 29.08.1998 bequeathing his remaining property equally in favour of late Smt.Om Kaur and Smt.Kuldeep Kaur. There was litigation between the parties wherein the correctness of the said Will and two sale deeds executed by Sh.Balwant Singh on 24.04.1999 and 10.11.1999 have been upheld. Subsequently, the children of late Smt.Om Kaur had filed a suit on 22.07.2014 for specific performance of the agreement to sell dated 09.10.1998 allegedly executed by their maternal grandfather which is pending before the Court. During the pendency of the suit, the children of late Smt. Om Kaur (plaintiff) filed an application for permission to amend the plaint so as to incorporate the pleadings with regard to another agreement to sell dated 20.09.1999 executed by late Sh.Balwant Singh, their maternal grandfather which has been dismissed by the Trial Court.

3. Heard the learned counsel representing the parties at length and with their able assistance, perused the paper-book.

4. On a Court question with regard to the maintainability of the suit particularly when these two agreements were never made part of the pleadings in the previous round of litigation, Mr. Sandeep Bansal, Advocate, prays for some time.

5. List on 21.03.2024, in the urgent list.

6. No further request, written or oral, for grant of an adjournment, shall be entertained.

7. A photocopy of this order be placed on the file of another connected case.”

learned counsel representing the petitioners prays for permission to withdraw both the revision petitions.

Ordered accordingly.

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

21.03.2024
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No