

133 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1614-2023(O&M)
Date of decision :24.04.2024

Manzoora

...Petitioner

Vs.

Ashraf Khan (deceased) through LRs
and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Munish Jolly, Advocate
for the petitioner.

Mr. H.R. Bhardwaj, Advocate
for LRs of respondent No.1.

Mr. Jai Bhagwan, Advocate
for respondent No.2.

ANIL KSHETARPAL, J. (Oral)

1. The petitioner herein is widow of respondent No.1-Ashraf Khan. She filed a suit for fixation of maintenance, declaration and permanent injunction against her husband. During the pendency of the suit, her husband died. When she went to get the property mutated in her favour, she came to know that her husband during his life time has transferred certain property in favour of his brothers and sisters. Hence, she filed an application for permission to amend the plaint in order to seek declaration that the aforesaid transfer is not binding on her. The trial Court has dismissed the application on the ground that she can file a fresh suit because it arises from fresh cause of action.

2. Learned counsel representing the petitioner submits that the suit is

at the preliminary stage and certain facts have come to the notice of the petitioner, which necessitate amendment. He submits that multiplicity of the suits would not be in the interest of the public.

3. Per contra, learned counsel representing the respondent submits that the proposed amendment should not be allowed because the claim which has already become time barred is sought to be added.

4. This Court has considered the submission of learned counsel representing the parties.

5. In these cases, the Court is required to adopt pragmatic approach while taking holistic view of the matter. The Court should not drive the parties to multiple litigations, which would result in wastage of precious judicial time. With reference to the objection of the learned counsel representing the respondent with regard to the expiry of limitation the respondent have always claimed objection by filing written statement to the amended suit.

6. The suit at a preliminary stage. Hence, the revision petition is allowed. The impugned order dated 04.01.2023, is set aside.

24.04.2024		(ANIL KSHETARPAL)	
neeraj	Whether speaking/reasoned :	Yes	No
	Whether Reportable :	Yes	No