



CR-2263-2024 and other connected matters -1-

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

**1) CR-2263-2024
Date of decision: 04.12.2024**

GAURAV RAINA AND ANR. ...PETITIONERS

VERSUS

HEM LATA KUNDU AND ORS. ...RESPONDENTS

2) CR-2264-2024

GAURAV RAINA AND ANR. ...PETITIONERS

VERSUS

PATASHO DEVI AND ORS. ...RESPONDENTS

3) CR-2268-2024

GAURAV RAINA AND ANR. ...PETITIONERS

VERSUS

VIJAY KUNDU AND ORS. ...RESPONDENTS

4) CR-2269-2024

GAURAV RAINA AND ANR. ...PETITIONERS

VERSUS

VIJAY KUNDU AND ORS. ...RESPONDENTS

5) CR-2271-2024

GAURAV RAINA AND ANR. ...PETITIONERS

VERSUS

HEM LATA KUNDU AND ORS. ...RESPONDENTS

6) CR-2272-2024

GAURAV RAINA AND ANR. ...PETITIONERS

VERSUS

HEM LATA KUNDU AND ORS. ...RESPONDENTS



CR-2263-2024 and other connected matters

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- 7)

CR-2273-2024

GAURAV RAINA AND ANR.

...PETITIONERS

VERSUS

HEM LATA KUNDU AND ORS.

...RESPONDENTS
- 8)

CR-2276-2024

GAURAV RAINA AND ANR.

...PETITIONERS

VERSUS

VIJAY KUNDU AND ORS.

...RESPONDENTS
- 9)

CR-2277-2024

GAURAV RAINA AND ANR.

...PETITIONERS

VERSUS

HEM LATA KUNDU AND ORS.

...RESPONDENTS
- 10)

CR-2278-2024

GAURAV RAINA AND ANR.

...PETITIONERS

VERSUS

HEM LATA KUNDU AND ORS.

...RESPONDENTS
- 11)

CR-2281-2024

GAURAV RAINA AND ANR.

...PETITIONERS

VERSUS

VIJAY KUNDU AND ORS.

...RESPONDENTS
- 12)

CR-2298-2024

GAURAV RAINA AND ANR.

...PETITIONERS

VERSUS

VIJAY KUNDU AND ORS.

...RESPONDENTS



CR-2263-2024 and other connected matters -3-

13) CR-2299-2024
GAURAV RAINA AND ANR. ...PETITIONERS
VERSUS
HEM LATA KUNDU AND ORS. ...RESPONDENTS

14) CR-2300-2024
GAURAV RAINA AND ANR. ...PETITIONERS
VERSUS
HEM LATA KUNDU AND ORS. ...RESPONDENTS

15) CR-2301-2024
GAURAV RAINA AND ANR. ...PETITIONERS
VERSUS
HEM LATA KUNDU AND ORS. ...RESPONDENTS

16) CR-2302-2024
GAURAV RAINA AND ANR. ...PETITIONERS
VERSUS
HEM LATA KUNDU AND ORS. ...RESPONDENTS

17) CR-1997-2024
GAURAV RAINA AND ANR. ...PETITIONERS
VERSUS
HEM LATA KUNDU AND ORS. ...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Vikram Singh, Advocate for the petitioners in all cases.

Mr. Gaurav Chopra, Sr. Advocate with
Mr. Ritvik Garg, Advocate for the respondents in all cases.

**CR-2263-2024 and other connected matters****-4-****PANKAJ JAIN ,J. (ORAL)**

1. This is a bunch of revision petitions arising out of pre-emption suits.
2. The petitioners are plaintiffs, who have filed suits to pre-empt the sale deed in favour of the respondents claiming superior right being parent in possession over the land and the same.
3. After the issues were framed and the petitioners/plaintiffs were to lead their evidence, they failed to lead any evidence despite six opportunities. Thereafter, instant application was moved seeking amendment in the plaint. By way of amendment, the petitioners/plaintiffs seek to explain their tenancy. The trial Court dismissed the application holding that the same lacked *bona fide* and was in fact is a ploy to seek further opportunities to lead evidence. While arguing, Mr. Vikram Singh, Advocate is not in position to dispute that so far as plea of tenancy is concerned that already stands raised in the plaint. Rather, the plaint itself is based upon superior right to pre-empt the sale deed being tenant in possession. Thus, the amendment, which is explanatory in nature, cannot be said to be of any consequence much less necessary for proper adjudication of the lis.
4. Keeping in view and agreeing with the *prima facie* findings recorded by the Civil Judge that application seeking amendment is more of a ploy to seek further opportunities to lead evidence, I find no reason to interfere in the present petition.
5. The petition is disposed off with the following directions:-

"Three effective opportunities are granted to the petitioners/plaintiffs to lead their entire evidence in addition to the opportunities already granted. The three opportunities be granted spread over not more than three months."

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6. Petitioners/plaintiffs shall lead entire evidence availing the aforesaid opportunities.
7. Mr. Gaurav Chopra, Sr. Advocate, on instructions, submits that the dependents will have no objection, if the aforesaid concession is granted to the petitioners/plaintiffs.
8. In view of the above, the present revision petitions are disposed of, accordingly.
9. Photocopy of this order be placed on the files of other connected cases.

04.12.2024

*renubala***(PANKAJ JAIN)
JUDGE**

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