



113 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2856-2019(O&M)
Date of decision : 23.05.2024

M/s H.G.K. Developers Private Limited ...Appellant

Vs.

M/s Mitter Fasteners and others ...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Namit Gautam, Advocate
for the petitioner.

Mr. Aayush Gupta, Advocate
for respondents No.1 and 2.

ANIL KSHETARPAL, J. (Oral)

1. This revision petition has been filed by the plaintiff to assail the correctness of the order passed by the trial Court dismissing the petitioner's application for permission to amend the plaint.
2. Learned counsel representing the petitioner contends that apart from other parcels of land, the petitioner had also purchased 3 bighas and 2 biswas land from Smt. Iqbal Kaur vide sale deed dated 16.12.2011 and this fact was recited in para 8 of the plaint, however, inadvertently, the aforesaid land was not referred to in the prayer clause. He submits that the trial Court has wrongly dismissed the application.
3. Learned counsel representing the respondent submits that he has no objection if the plaintiff is permitted to amend the plaint with respect to the sale deed dated 16.12.2011. However, he submits that the plaintiff also wants



to allege that he has purchased land underneath a ‘*Gair Mumkin*’ passage vide sale deed 13.02.2013. He submits that the land underneath ‘*Gair Mumkin*’ passage could not be purchased by the plaintiff.

4. Learned counsel representing the petitioner has failed to put forth any justification for purchasing land which is underneath a public passage.

5. In view of the aforesaid facts, the revision petition is disposed of with the observation that the amendment to the extent of the sale deed dated 16.12.2011 shall stand allowed, whereas, the trial Court will decide the objection of the respondents with respect to the validity of the sale deed underneath a public passage while finally deciding the suit.

23.05.2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No