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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-6553-2024

Date of decision : 11.11.2024

Gurwinder Kaur and others

... Petitioners

Versus

Sarabjit Kaur and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Deepak Aggarwal, Advocate
for the petitioners.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the order dated 20.05.2024 passed by the Additional Civil Judge (Sr.Div.), Nabha, vide which the application moved by the petitioners for amendment in the reply has been dismissed.

2. Learned counsel for the petitioners has submitted that the trial Court in the impugned order had rightly observed that the petitioners had already taken up the point of collusion and also the bar of limitation in the initial reply and it is further submitted that in the initial reply, even the factum of the applicant-respondent no.1 appearing in the suit filed by Kuldeep Singh and Darshan Singh has also been mentioned but the only apprehension on the basis of which the application for amendment was filed was that the particulars of the suit had not been mentioned. It is submitted



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that the evidence of the petitioners is yet to be led in the proceedings under Order 9 Rule 13 CPC and the present petition be thus disposed of with the clarification that it would be open to the petitioners to produce on record the proceedings and other relevant documents regarding the said suit.

3. Keeping in view the above said facts and circumstances and the limited prayer made by the petitioners, the present petition is disposed of with the clarification that since the evidence of the petitioners is yet to be led, it would be open to the petitioners to lead evidence in support of the pleas taken in the reply (Annexure P-3) including the proceedings of any suit which as per the case of the petitioners is relevant.

4. Needless to say it would be open to the respondents to rebut the said evidence.

(VIKAS BAHL)
JUDGE

November 11, 2024.
Davinder Kumar

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