

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

(140)

**2024:PHHC:011591
CR-7506-2023(O&M)
Date of Decision: 29.01.2024**

Renu Narula

--Petitioner

Versus

Ms. Jyotsna Singh & another

--Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL.

Present:- Ms. Renu Narula, petitioner in person.

ANIL KSHETARPAL.J (Oral)

CM-302-CII-2024

Application is allowed as prayed for.

Certified copy of the plaint is taken on record.

Main Case

1. In this revision petition the plaintiff assails the correctness of Trial Court's order dated 22.11.2023 dismissing her application for permission to amend the plaint. In order to comprehend the issue involved in the present case, relevant facts are required to be noticed.

2. Petitioner filed a suit for grant of decree of declaration with consequential relief of permanent injunction and mandatory injunction against Ms. Jyotsna Singh and Central Bank of India. Para 3 of the plaint reads as under:

“That the plaintiff came time and again and requested defendant no.2 to open the locker and to hand over ½ share of the articles lying therein and remaining ½ of the article to defendant no.1.”

3. Ms. Jyotsna Singh is not related to the petitioner. In other words the petitioner does have any right, title or interest in the property of

Jyotsna Singh. Jyotsna Singh is not contesting the case. The plaintiff subsequently filed an application for permission to amend the plaint in/or to seek the whole jewellery line in the bank locker. It has come on record that the aforesaid bank locker was opened by the petitioner on 24.02.2003 and the packet of jewellery has been preserved by the bank.

4. The Trial Court has dismissed the application on the ground that she cannot now take a claim in the jewellery particularly when she had already claimed half while filing the suit.

5. Heard the petitioner, who appears in person and perused the paper book.

6. Petitioner submits that Jyotsna Singh is not coming forward to claim the jewellery and therefore the entire jewellery is required to be handed over to her.

7. On a Court question, she admits that she has no evidence to prove that the entire jewellery belongs to her. However, she submits that Jyotsna Singh is not claiming the jewellery and therefore she deserves to be handed over the same.

8. This Court has considered the submissions. If the petitioner is the only owner of half of the jewellery, the remaining half in absence of entitlement cannot be handed over to the petitioner. The remaining jewellery may escheat in favour of the State in absence of any claimant.

9. Keeping in view the aforesaid facts, there is no ground to interfere in the present petition and the same is, dismissed accordingly.

(ANIL KSHETARPAL)
JUDGE

29.01.2024

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