



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

126

CR-6633-2024 (O&M)
Date of Decision: 16.12.2024

Sarita Thakran

....Petitioner

Versus

Long Lata @ Launge Lata

....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Sumit Sangwan, Advocate
for the petitioner.

VIKAS SURI, J. (Oral)

CM-22104-CII-2024

This is an application under Section 151 CPC for preponement of the hearing of main petition to an early date.

For the reasons mentioned in the application, supported by affidavit, the date of hearing of main case is advanced to today and with the consent of learned counsel for the petitioner, it is taken on board.

CM stands disposed of.

CM-20841-CII-2024

This is an application under Section 151 CPC for placing on record documents as Annexures P-6 to P-10 and for exemption from filing certified/original copies thereof.

For the reasons mentioned in the application, supported by



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affidavit, the same is allowed. Annexures P-6 to P-10 are taken on record, subject to just exceptions.

CM stands disposed of.

CR-6633-2024

1. Prayer in this revision petition is for setting aside order dated 30.10.2024 (Annexure P-1) passed by learned Civil Judge (Junior Division) Gurugram, whereby the application under Order 6 Rule 17 CPC filed by the defendant/petitioner for amendment of written statement has been dismissed.
2. Learned counsel for the petitioner reiterates the submissions noticed in order dated 18.11.2024, which reads as thus:

“Learned counsel for the petitioner *inter alia* submits that the application seeking amendment of the written statement ought to have been allowed keeping in view that the issues in the present case were framed vide order dated 04.10.2024 (Annexure P-5), on application moved by the petitioner under Order XIV Rule 2 CPC. The petitioner only seeks to raise a factual plea that the suit property stands acquired by the Haryana Urban Development Authority (HUDA) in the year 2004, vide notification dated 24.11.2004, issued under Section 6 of the Land Acquisition Act, 1894; *rapat* No.170 dated 26.11.2006 stands entered and subsequent *Jamabandis* record the ownership of the suit property in the name of HUDA. It is further submitted that the plaintiff not being the owner goes to the root of the controversy.”

3. Notice of motion.
4. At this stage, Mr. Amit Kumar Jain, Advocate accepts notice on



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behalf of respondent No.1 and has filed his power of attorney in the Court, which is taken on record.

5. Learned counsel for respondent No.1 submits that he is contesting the submission that possession of the suit land has been taken over by HUDA. It is further submitted that if that be so, then it does not lie in the mouth of the defendant/petitioner to claim that she is in possession of the suit property. He further submits that the petitioner is only interested to delay the trial, as has rightly been noticed in the impugned order. It is further submitted that on the consent of respondent, let the petitioner be permitted to amend her written statement and only one effective opportunity be granted to adduce any further evidence in that regard and thereafter, the trial be concluded in a time bound manner.

6. Learned counsel for the petitioner accepts the concession made on behalf of respondent No.1 prays that the respondent be bound down by the above statement made before this Court and the petitioner be also granted an opportunity to lead evidence, if required.

7. Having heard learned counsel for the parties and perused the paperbook, the present petition is disposed of by setting aside the impugned order dated 30.10.2024 and permitting the petitioner to amend her written statement. The amended written statement be filed on the date next fixed by the trial Court and one effective opportunity be granted to the defendant/petitioner to lead further evidence, in accordance with law. Thereafter, one effective opportunity be also granted to the plaintiff/respondent to rebut the evidence that may be brought on record



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pursuant to this consent order. It is further directed that thereafter, the trial Court would expeditiously dispose of the suit. Keeping in view that already about six years have gone by since the suit was instituted on 01.03.2018 and now on account of amendment of the written statement and permission to lead further evidence granted on the consensus arrived at between the parties, the suit be decided within two months after the last evidence is recorded, if any.

8. Revision petition is disposed of in the aforesaid terms.

December 16, 2024

Varinder

**(VIKAS SURI)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No