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

CR-7842-2018 (O&M)

Date of Decision : 17.07.2025

Nirmala Kapoor

... Petitioner(s)

Versus

Nirmala & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sanjeev Kumar, Advocate for the petitioner.

Mr. Kunal Soni, Advocate for
Mr. Prateek Mahajan, Advocate for respondent No.3.

Mr. Manoj Kumar Sood, Advocate for respondent No.5.

ALKA SARIN, J. (Oral)

1. Challenge in the present revision petition is to the order dated 20.10.2018 whereby the application filed by the petitioner under Order 6 Rule 17 of the Code of Civil Procedure, 1908 (CPC) for amendment of the plaint was dismissed.

2. On 19.11.2018 the following order was passed :

“Learned counsel for the petitioner contends that in earlier Civil Revision No.5993 of 2016 filed by the plaintiff-petitioner, notice of motion was issued on 14.09.2016 and trial Court was directed to adjourn the proceedings beyond the date fixed by this Court. Ultimately, the said revision petition was disposed off on 11.05.2018.

Learned counsel further contends that the petitioner does not wish to lead any evidence on the proposed amendment.

Notice of motion for 12.03.2019.

In the meanwhile, trial Court shall adjourn the proceedings beyond the date fixed by this Court.”

3. Learned counsel for the contesting respondent No.5, who has now purchased the property in dispute from respondent No.1, states that he is the only contesting respondent and that he would have no objection if the application for amendment of the plaint is allowed provided the petitioner does not lead any further evidence on the proposed amendment as per the statement made by the learned counsel for the petitioner on 19.11.2018.

4. In view of the above, the impugned order dated 20.10.2018 is set aside and accordingly the application filed by the petitioner under Order 6 Rule 17 for amendment of the plaint stands allowed. However, the petitioner shall remain bound by the statement made by the learned counsel for the petitioner on 19.11.2018 that the petitioner would not lead any further evidence on the proposed amendment.

5. Disposed off accordingly. Pending applications, if any, also stand disposed off.

17.07.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO