



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

CR-1776-2019

Date of decision : 04.04.2025

Smt. Harpreet Kaur

...Petitioner

Vs.

Hardial Singh Mann and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Indarpal Singh Parmar, Advocate
for the petitioner.

Mr. Yogesh K. Saini, Advocate
for respondent No.1.

ANIL KSHETARPAL, J. (Oral)

1. The petitioner herein is defendant No. 1 in plaintiff's suit for grant of decree of declaration to the effect that the plaintiff is the owner in possession of 1/3rd share in the property left behind by his brother- Sh. Santokh Singh.

2. Defendant No.1 was previously married to Sh. Gurbachan Singh another brother of the plaintiff. After the death of Sh. Gurbachan Singh defendant No.1 claims that she married another brother, namely, Sh. Santokh Singh. While filing the written statement, she claims that she was married according to Sikh tradition called '*Anand Karaj*' ceremony. Now, she filed an application for amendment to claim that it was not '*Anand Karaj*' but '*Chadar Andazi/Kerewa*' marriage, which is a customary form of marriage. The Court has dismissed the same.

3. This Court has considered the submissions made by the learned

counsel representing the parties.

4. The stand of the defendant remains consistent that she was previously married with Sh. Gurbachan Singh, which is admitted fact and subsequently, after the death of Sh. Gurbachan Singh, she married with Sh. Santokh Singh. There are two different ceremonies performed amongst the Sikhs at the time of marriage, one is '*Anand Karj*' and the second is '*Chadar Andazi/Kerewa*'. '*Chadar Andazi/Kerewa*' is a customary marriage, which is usually performed when a widow marries her brother-in-law after the death of her husband. It is for the defendant to prove the same.

5. Learned counsel representing the respondent submits that the defendant No. 1 has failed to show due diligence.

6. This Court has considered the submissions made by the learned counsel representing the parties.

7. It is for defendant No.1 to prove her marriage. By permitting the amendment, the Court is only permitting her to correct the error. The correction of inadvertent mistake should not be declined by the Court unless it causes prejudice to the plaintiffs. As already noticed the stand of the defendant remains the same.

8. Hence, the revision petition is allowed to the extent that defendant No.1 shall be permitted to correct the inadvertent error in para 6(ii) by substituting the word '*Chadar Andazi/Kerewa*' with that of '*Anand Karaj*'.

04.04.2025
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(ANIL KSHETARPAL)
JUDGE

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