



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CR-5461-2023 (O&M)
Date of decision: 19.03.2025

LAKHVIR KAUR

..Petitioner

Versus

PARAMJIT KAUR (DECEASED) THROUGH LRS. AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. H.P.S. Ghuman, Advocate
for the petitioner.

Mr. Arun Jindal, Advocate
Mr. Kanish Jindal, Advocate
for respondent No.4.

ANIL KSHETARPAL, J(Oral)

1. After hearing learned counsel for the parties on 06.03.2025, the following order was passed:-

“Learned counsel for the petitioner contends that legal representative of the original defendant cannot be permitted to take different/contradictory stand from the stand taken by the original defendant while filing the written statement. He has drawn the attention of the Court to the original written statement filed by defendant No.1 Sh. Pritam Singh at page 14. He contends that Sh. Pritam Singh admitted that he executed a transfer deed in favour of his daughter-in-law i.e. Smt. Lakhwinder Kaur (defendant No.3) because his son Sh. Jagdeep @ Happy died and defendant No.3 was serving all the defendants.

He submits that now Sh. Pritam Singh has died and Smt. Joginder Kaur was brought on record as widow of Sh. Pritam Singh. She initially moved application for filing supplementary written statement, which was rejected, however, subsequently, she filed application for permission to change the entire stand, which has been allowed. The learned counsel for the petitioner was requested to show the amended written statement filed by Smt. Joginder Kaur, however, he prays for some time to produce the same.

List on 18.03.2025, in the urgent list.



Learned counsel for the petitioner relies upon the judgment passed by the Supreme Court in Gajraj Vs. Sudha and others, (1999) 3 SCC 109, Vidyawati Vs. Man Mohan and others, (1995) AIR (SC) 1653 and Bal Kishan Vs. Om Parkash and another, (1986) AIR (SC) 1952.”

2. Learned counsel for the petitioner has produced the copy of comparative chart reflecting the original stand taken by Sh. Pritam Singh (defendant No.1) while filing the written statement and the amended written statement filed by his legal representative, which reads as under:-

<i>W.S. of Defendant NO.1 Pritam Singh Annexure P-3</i>	<i>W.S. of Joginder Kaur (LR of Pritam Singh) C.M. No.5087-CII of 2025 (Annexure P-22)</i>
<i>Page No.21-22 Para No.4 However the Transfer Deed executed by defendant No1 Pritam Singh in favour of defendant No.3 Lakhvir Kaur is a genuine document, who is daughter-in-law of the defendant No.1 Pritam Singh. Jagdeep Singh @ Happy son of the replying defendant has since died. The defendant No.3 Lakhvir kaur is serving the replying defendant in all respects. The replying defendant has given every share to his other children i.e. daughters who have been married and are happy in their in laws as such the replying defendant with his sound state of mind executed the transfer deed of the property in question in favour of defendant No.,3 Lakhvir kaur voluntarily and without any pressure.</i>	<i>Page Nos. 3-4 Para No. 4 However the Transfer deed executed by the defendant no.1 Pritam Singh in favour of defendant no.3 Lakhvir Kaur is not genuine document who is daughter in law of the defendant no.1 Pritam Singh. Jagdeep Singh alias Happy son of the replying defendant has since died. The defendant no.3 Lakhvir Kaur is not serving the replying defendant in all respect. It is wrong and denied that the replying defendant has given every share to his other children i.e. daughters who have been married and are happy in their in laws as such the replying defendant with his sound disposing state of mind executed the Transfer Deed of the property in question in favour of the defendant No.3 Lakhvir Kaur voluntarily and without any pressure.</i>
<i>Page Nos.24-25 Para No.5 Rather the true facts are that the Transfer Deed executed by defendant No1 Pritam Singh in favour of defendant No.3 Lakhvir Kaur is a genuine document, who is daughter-in-law of the defendant No.1 Pritam Singh. Jagdeep Singh @ Happy son of the replying defendant has since died. The defendant No.3 Lakhvir kaur is serving the replying defendant in all respects. The replying defendant has given every share to his other children i.e. daughters who have been married and are happy in their in laws as such the replying defendant with his sound state of mind executed the transfer deed of the property in question in favour of defendant No.,3 Lakhvir kaur</i>	<i>Page No. 5 Para No. 5 Rather the true facts are that the transfer deed executed by the defendant No.1 Pritam Singh in favour of defendant No.3 Lakhvir kaur is not genuine document, who is daughter-in-law of defendant No.1 Pritam Singh. Jagdeep Singh @ Happy son of relying defendant has since died. The defendant N.o.3 Lakhvir kaur is not serving the replying defendant in all respect.</i>



<i>voluntarily and without any pressure.</i>	
Page Nos.26-27 Para 8 <i>That the replying defendant has executed the transfer deed in favour of the defendant no.3 within his own right and with his sound disposing state of mind of which the replying defendant had every right to transfer his ownership property in the manners he likes. It is wrong and denied that the said transfer deed is illegal null and void, ultra vires arbitrary malafide unlawful or is inoperative and ineffective qua the rights of the plaintiff as the plaintiff has got no right, title interest link and concern with the suit property in any way.</i>	Page No.5 Para No.8 <i>The contents of this para are replied in a way that the replying defendant has not executed the transfer deed in favour of defendant No.3 within his own right and with his sound disposing state of mind.</i>
Page No.27 Para No.9 <i>It is wrong and denied that there is any connivance of the defendant No.1 to 4 as alleged. Rather the replying defendant transferred the suit property within his own right and plaintiff or anybody else has no concern with the same.</i>	Page no.5 Para No.9 <i>The contents of this para are wrong and denied.</i>
Page No.27 Para No.10 <i>The sale deed has already taken place which is genuine document.</i>	Page no.5 Para No.10 <i>The sale deed has taken place which is not genuine document.</i>

3. Learned counsel for respondent does not dispute the aforesaid factual position.
4. It appears that the trial Court has overlooked the well-settled position of law as enumerated by Order XXII Rule 4(2) of the Code of Civil Procedure, 1908, as interpreted in the afore-noted judgment.
5. Keeping in view the aforesaid discussion, the impugned order passed by the trial Court on 04.08.2023 shall stand set aside and the trial Court will pass fresh order on an application filed by the Smt. Joginder Kaur.
6. With these observations, the revision petition is allowed.
7. All the pending miscellaneous applications, if any, are also disposed of.

March 19th, 2025

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

(ANIL KSHETARPAL)
JUDGE