



CR-5114-2022

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

(293)

CR-5114-2022

Date of Decision: - 11.11.2025

Anita Yadav

....Petitioner

Versus

Rajinder Lambardar and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Keshav Pratap Singh, Advocate, and
Mr. Nitin Sansanwal, Advocate
for the petitioner.

Mr. Babbar Bhan, Advocate
for respondent No.1.

None for respondent No.2.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 02.08.2022 (Annexure P-3) passed by the Civil Judge (Jr. Division), Rohtak vide which the application filed by the plaintiff under Order 6 Rule 17 CPC for amendment of the plaint has been rejected.

2. Learned counsel for respondent No.1 has submitted that in the present case, the amendment sought is neither necessary nor there was due diligence. It is further submitted that the judgment and decree dated 15.02.2014 is also under challenge and since it is a matter of settled law

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that mutation has to be entered in pursuance of the civil Court decree, thus, any challenge made to the mutation or not is irrelevant. It is stated that it is thus apparent that the amendment is not necessary for adjudication of the present case. It is further stated that there is no due diligence in moving the application for amendment, inasmuch as, the mutation, of which the notice was issued to the petitioner, was entered on 31.05.2017. It is however submitted that even in case the amendment is to be allowed, then, the petitioner should give an undertaking that she would not lead any evidence and heavy costs should also be imposed upon her.

3. Learned counsel for the petitioner has submitted that in view of the objections raised by learned counsel for respondent No.1, the petitioner would not lead any evidence in case the amendment is allowed and has further submitted that the petitioner would pay a reasonable cost to the respondent No.1. It is further submitted that respondent No.2/defendant No.2 was proceeded against ex-parte vide order dated 29.07.2025.

4. A perusal of the paper-book would show that the respondents have been served, however, none has appeared on behalf of respondent No.2 and the present revision petition has been contested by respondent No.1 only.

5 Keeping in view the above-said facts and circumstances and the fair stand taken by learned counsel for the petitioner as well as by learned counsel respondent No.1, the present revision petition is disposed of by setting aside the impugned order dated 02.08.2022 with the



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following observations/directions: -

- (i) Petitioner would file the amended plaint on or before 17.11.2025 which is stated to be the next date of hearing. Petitioner would also deposit the cost of Rs.20,000/- within a period of two weeks from today and the said amount would be released by the trial Court to respondent No.1/defendant No.1. It is made clear that in case, the amended plaint is not filed within the aforesaid period and the above-said cost is not deposited by the petitioner, then, the present revision petition would be deemed to have been dismissed.
- (ii) It would be open to the respondents to file amended written statement to the amended plaint filed by the petitioner, in case she complies with direction No.(i).
- (iii) Petitioner as undertaken before this Court would not lead any further evidence.
- (iv) This Court has not opined on the merits of the case and the trial Court would decide the main case independently, after taking into consideration the evidence and pleadings of the parties.

November 11, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No