

**IN THE COURT OF SH. KULBHUSHAN KUMAR, PCS, CIVIL
JUDGE (SENIOR DIVISION), SANGRUR**

Computer ID No.CS/605/2016
Suit No.227 of 29.09.201615.04.2011
CNR No.PBSGC0-001074-2016
Order dated.....04.09.2018
Pending for.....17.09.2018

Paramjit Singh @ Prem Singh

...Plaintiff

Versus

Jaswinder Kaur and ors.

.....Defendant

(SUIT FOR DECLARATION AND FOR PERMANENT INJUNCTION)

Application for amendment in the headnote of the plaint regarding age of
defendant no.3.

Present: Sh. K S Sekhon, Adv. counsel for applicant/plaintiff.
Sh. G. S Nandpuri, Adv. counsel for defendant/respondent
no.1.
Sh. J S Dhiman Adv, counsel for defendant/respondent no.2

ORDER:

1. This order of mine shall dispose off application U/o.6 Rule
17 CPC filed by plaintiff/applicant for amendment in the headnote of the
plaint regarding age of defendant no.3.

2. It averred in the application that in the present suit
inadvertently the age of defendant no.3 Manpreet Singh was mentioned as
Major, whereas from the written statement filed by defendant no.1, it has
came to the knowledge of the plaintiff that defendant no.3 Manpreet
Singh is not major, but he is still minor. The said minor is in the custody
of Amandeep Kaur wd/o Dalvinder Singh @ Kulwinder Singh s/o Hari
Singh r/o village Kansuhan Kalan, Tehsil Nabha, District Patiala. It is

Kulbhushan Kumar
Civil Judge Senior Devision, Sangrur,
UIC PB0170.

further averred that plaintiff wants to make amendment regarding the age of defendant no.3 Manpreet Singh in the heading of the plaint as under:-

“3.Manpreet Singh (minor) son of Dalvinder Singh @ Kulwinder Singh s/o Hari Singh under the custody of her mother Amandeep Kaur wd/o Dalwinder Singh @ Kulwinder Singh r/o Village Kansuhan Kalan, Tehsil Nabha, District Patiala, alleged to be the L.R of deceased Dalwinder singh @ Kulwinder Singh.”

in place of the address given in the original plaint. It further averred that the said amendment is necessary for the proper adjudication of the matter in dispute. Lastly,applicant prayed to allow the present application.

3. Respondents/defendants no.1 filed reply to the application denying that defendant no.3 Manpreet Singh inadvertently mentioned major by plaintiff. However, they admitted that defendant no.3 is minor. Respondent/defendants further denied that Manpreet Singh is in the custody of Amandeep Kaur widow of Dalwinder Singh. Respondent/defendants submitted that Manpreet Singh Minor is not in the custody of Amandeep Kaur infact he is in the custody of his grandmother Jaswinder Kaur w/o Hari Singh. It is further contended that the amendments sought by the applicant is not seems to be genuine. Hence, she prayer for the dismissal of the application.

4. The counsel for defendant no.2 suffered separate statement that Manpreet Singh (defendant no.3) is minor and is not living with his mother Amandeep Kaur rather she is living with her grandmother Jaswinder Kaur. He further argued that the application be allowed

accordingly.

5. The counsel for the applicant/plaintiff argued that the amendment sought by the plaintiff/applicant is necessary for the proper adjudication of the matter in dispute. Rather the said amendment is useful for the benefit of the minor Manpreet Singh. Hence, he prayed to said amendment. Whereas, the defendant no.1 have taken the particular objection that the minor is not living in the custody of Amandeep Kaur his mother rather the said minor Manpreet Singh is living under the custody of his grand-mother Jaswinder Kaur. The said fact has also been admitted by the counsel for Amandeep Kaur (defendant no.2) in his statement. Hence, the parties prayed the amendment in favour of the minor.

6. After hearing the rival contentions of the parties and after going through the documents available on the file, the plaintiff/applicant sought the amendment in the head note of the plaint with the plea that Manpreet Singh defendant no.3 has been mentioned major inadvertently whereas he is minor although the applicant/plaintiffs alleged that the said minor is living under the care and custody of his mother Amandeep Kaur defendant no.2 but the defendant no.1 denied the said fact and took the objection that Manpreet Singh (minor) is living under the care and custody of defendant no.1. Moreover, the counsel for defendant no.2 also admitted the said fact. It seems that just to procure the presence of Manpreet Singh the present amendment has been sought by the applicant/plaintiff. When it is admitted fact between the parties that Manpreet Singh minor is living under the custody of his grandmother

Jaswinder Kaur wife of Hari Singh mother of Jagwinder Singh @ Kulwinder Singh then the contentions of the applicant/plaintiff that the said minor is living under the custody of Amandeep Kaur his natural mother are not seem to be genuine. As nobody has denied that Manpreet Singh is minor. Hence, the amendment application filed by the plaintiff/applicant is admitted to the extent that Manpreet Singh is minor but as he is living under the custody and care of his grandmother Jaswinder Kaur then the notice of the present suit be issued to Manpreet Singh minor through her grand-mother namely Jaswinder Kaur to avoid further complication and application stands allowed accordingly.

7. However, the observation made in this order, shall have no effect on merits.

Announced in open Court.
Date:04.09.2018

(Kulbhushan Kumar), PCS
Civil Judge (Sr. Division),
Sangrur UIC-PB0170.

Neelam JW-II

*Note : Certified that all the pages of this
order are signed by me, which have been
dictated and typed directly on computer.*

Paramjit Singh Vs. Jaswinder Kaur

Present: Sh. K S Sekhon, Adv. counsel for applicant/plaintiff.
Sh. G. S Nandpuri, Adv. counsel for defendant/respondent no.1.
Sh. J S Dhiman Adv, counsel for defendant/respondent no.2

Arguments heard. Vide my separate order of even date, the application U/o.6 Rule 17 CPC filed by applicant has been allowed, as mentioned therein. Case is adjourned to 17.09.2018 for filing amended headnote by applicant.

Announced in open Court.
Date:04.09.2018

(Kulbhushan Kumar), PCS
Civil Judge (Sr. Division),
Sangrur UIC-PB0170.

Neelam JW-II

Next date

Purpose