

ITEM NO.1

COURT NO.5

SECTION IVB

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).1214/2002

(From the judgement and order dated 08/10/2001 in CR No. 4212/1997 of The
HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

RAJ KUMARI AMRIT KAUR

Petitioner(s)

VERSUS

MAHARANI DEEPINDER KAUR & ORS.

Respondent(s)

(With appln(s) for directions and substitution to bring on record the L.Rs of the deceased r
espondent

no.5 and prayer for interim relief)

(FOR FINAL DISPOSAL)

WITH

S.L.P.(C) NO. 2370 of 2002 (With appln.(s) for directions and with prayer for interim relief)

(FOR FINAL DISPOSAL)

AND WITH

S.L.P.(C) NO. 2773 of 2002 (With appln.(s) for directions and with prayer for interim relief)

(FOR FINAL DISPOSAL)

Date: 17/08/2005 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE B.P. SINGH

For Petitioner(s)

Mr.A.K.Chopra, Sr.Adv.

Mr.Aashish Chopra, Adv.

Ms.Gurveen H.Singh, Adv.

Mr. P.N. Puri,Adv.

For Respondent(s)

Mr.Rajendra Sachhar, Sr.Adv.

Mr.Dhruv Mehta, Adv.

Mr.Harshvardhan Jha, Adv.

For M/S K.L. Mehta & Co.,Advs.

Mr. Nikhil Nayyar ,Adv

Ms. Shobha ,Adv

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UPON hearing counsel the Court made the following

O R D E R

Heard counsel appearing on either side.

The order passed by the learned Single Judge of the Punjab & Haryana High Court at

Chandigarh is challenged before us. We are not inclined to interfere with the impugned judgment.

However, we see that one observation has been made by the learned Single Judge in the impugned

judgement in the penultimate paragraph, which requires slight modification. The relevant portion

reads as follows :-

"I have no manner of doubt that if such an application is made to the Trial Court,

it shall allow the plaintiff to amend his plaint and in that eventuality, defendants

shall also have an opportunity to file written statement to the amended plaint by taking all defences available to them including the one that the su it has not been properly valued for the purpose of court fee and jurisdiction."

(emphasis added)

We modify the direction of the learned Single Judge of the High Court that "it shall allow

the plaintiff to amend his plaint" and instead we direct that in case the plaintiff files any application for

amendment of the plaint, the same may be considered by the Trial Court in accordance with law. The

defendants would be at liberty to raise all their objections and the Trial Court shall pass appropriate

orders.

The special leave petitions are disposed of accordingly.

(G.V.Ramana)
(Veera Verma)
Court Master