

**CR-4294-2023 (O&M)****-1-****203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CR-4294-2023 (O&M)****Date of decision : 11.03.2025****Kulwinder Kaur and another****...Petitioners****Vs.****Gulzar Kaur****...Respondent****CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Aruz Khan, Advocate
for the petitioners.

Mr. Gurcharan Dass, Advocate
for the respondent.

ANIL KSHETARPAL, J. (Oral)

1. The petitioners herein are defendants in a plaintiff's suit for grant of decree of declaration to the effect that the plaintiff is the owner in possession of the property to the extent of 1/3rd share.
2. In substance, the dispute is with regard to the property left behind by Sh. Surinder Pal Singh @ Surinder Grewal. The plaintiff is the mother of Sh. Surinder Pal Singh @ Surinder Grewal, whereas, the petitioners (defendants) are widow and minor son. The defendants filed a written statement claiming that Sh. Surinder Pal Singh @ Surinder Grewal executed a Will in their favour on 08.10.2014 and the other family members filed an affidavit when the mutation was sanctioned in their favour.
3. The suit was filed in the year 2017. When the last opportunity was given to the defendants to lead evidence, they filed an application for permission to amend the written statement in order to assert that a family



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partition was effected between the parties on 01.12.1988 and there was a civil suit filed by Sh. Surinder Pal Singh @ Surinder Grewal, which was decided on 29.01.1993, in which the aforesaid family settlement was proved.

4. The trial Court dismissed the application.

5. Heard the learned counsel representing the parties at length and with their able assistance perused the paper-book.

6. It is evident that the petitioner submits that execution of the family settlement was admitted in a previous litigation, which resulted in a Court decree dated 29.01.1993. The judgment and decree is a piece of evidence.

7. As per Order 6 Rule 2 of the Code of Civil Procedure, 1908, the pleadings of the parties shall only state the material facts. The judgments passed by the Courts below can be produced by the defendant in evidence.

8. Keeping in view the aforesaid facts, no ground to interfere is made out.

9. Hence, the revision petition is dismissed.

10. All the pending miscellaneous applications, if any, are also disposed of.

11.03.2025

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**(ANIL KSHETARPAL)
JUDGE**

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