

**IN THE HIGH COURT OF PUN JAB AND HARYANA AT CHANDIGARH****206****CR-2814-2023 (O&M)****Date of Decision : 01.04.2025**

Meenakshi Aggarwal and Another

....Petitioners

VERSUS

Manish and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Swarn Tiwana, Advocate for the petitioners.

Mr. Shiv Kumar, Advocate for the respondents.

ALKA SARIN, J. (Oral)

1. Present revision petition has been filed challenging order dated 06.04.2023 whereby application filed by the petitioners under Order VI Rule 17 of the Code of Civil Procedure, 1908 has been dismissed.

2. Learned counsel for the petitioners, at the outset, states that he has instructions to state that the petitioners do not press the application for amendment in entirety and would be satisfied if paragraph No.4 is permitted to be added, which reads as under :

“4. That Smt. Satyawati Aggarwal, W/o Sh. Sita Ram Aggarwal, R/o C-18, Nehru Ground, NIT, Faridabad and her husband. Sh. Sita Ram Aggarwal, S/o Sh. Budh Ram, R/o C-18, Nehru Ground, NIT, Faridabad along with plaintiffs and defendants number 2 to 5 constituted Joint Hindu Family (HUF) and the HUF were owners in possession of the following properties: -

- i) *House bearing No. C-18 measuring 872 Sq. Yards situated in Nehru Ground, NIT, Faridabad consisting of two portions;*
 - a) *out of which an area measuring 650 Yards. was used for residential purpose;*
 - b) *remaining area measuring 222 Sq. yards was used for business purposes where they have been working under the name and style of M/s Castwell Foundaries.*
- ii) *A Shop bearing No. B-607, measuring 35 sq. yards situated in Nehru Ground, NIT, Faridabad.*
- iii) *House bearing No. E-25 measuring. 330 Sq. Yards situated in Nehru Ground, NIT, Faridabad.*
- iv) *Plot bearing No.12, measuring 180 Sq. Yards situated in Kapil Vihar, Pitampura, New Delhi.*
- v) *Agricultural land situated within the revenue estate of Village Mewla Maharajpur, Tehsil & District Faridabad has detailed hereunder:*
 - a) *Land comprised in Rectangle No. 98, Kila No. 18/3 measuring 2 Kanals 12 Marlas.*
 - b). *Land comprised in Rectangle No.109, Kila No.17/5 measuring 1 Kanal 4 Marlas.*
- vi) *House No.2593, Sector-16, Faridabad.*
- vii) *Property measuring 2000 Sq. Yards situated in Gali No. 6, Sarurpur Industrial Area, Ballabgarh; work started*

under the name and style of M/s N.F. Standard Alloy Casting.

- viii) Plot measuring 200 Sq. Yards comprised in Rect. No. 44, Killa Nos. 3/2, 4 & 5 situated at Sanjay Colony, Village Gouchhi, District Faridabad.*
- ix) Farm House at Village Hartola, District Nainital, Uttarakhand having name plat by the name of "Shri Sita Ram Kirpa".*
- x) A Car make Honda City bearing Regd. No.HR-51-N-8586*
- xi) SB Account No. 12885 with Central Bank of India, Bata Chowk, NIT, Faridabad along bank locker and CDS deposits.*

That the properties mentioned above against sub paras nos. i) to iv) were standing in the name of Smt. Satyawati Aggarwal. In fact, at that time property mentioned in sub para No.(i) (b) i.e. the factory was run by the joint family and as such a number of other properties were purchased from the joint family business. Property mentioned at sub para No. (v) to (ix) were purchased from the proceeds of joint family business in the name of Shri Sitaram, defendant no. 1 Manish and his mother Rajni Garg. The defendant no. 1 had no other business and the entire

properties stated above were purchased in his name out of joint family funds.”

3. Learned counsel for the petitioners’ further states that the petitioners would not lead any further evidence qua the amendment.

4. *Per contra* learned counsel for the respondents’ states that he would have no objection if the amendment is limited to adding the paragraph as reproduced as above. He further states that earlier also an application for amendment was filed which was not objected to by the respondents and the same was allowed.

5. In view of the statements made by learned counsel for the parties, the present revision petition is allowed to the extent that paragraph No.4 as reproduced above is permitted to be added and as undertaken by learned counsel for the petitioners, the petitioners would not lead any further evidence.

6. In view of the above, present revision petition stands allowed partly. Pending applications, if any, also stand disposed off.

01.04.2025
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO