

Date of Order	Revision/TA/8753/2006/Bhilwara Nihal Singh Vs. Tej Singh	
16.11.2018	<p style="text-align: center;"><u>S.B.</u></p> <p style="text-align: center;">Shri Rajinder Kumar, Member</p> <p style="text-align: center;">*****</p> <p>Present :</p> <p>Shri Yogendra Singh : counsel for the revisionist.</p> <p>Shri Yagya Dutt Sharma : counsel for respondents no.1 to 4.</p> <p>Shri Hem Singh Rathore : counsel for respondents no. 5 and 6.</p> <p style="text-align: center;">---</p> <p style="text-align: center;"><u>ORDER</u></p> <ol style="list-style-type: none">1. Heard on the application for substitution of the legal representatives of deceased respondent no.5. Learned counsel for the said representatives of Shri Onkar Singh has no objection in accepting the application. Therefore, while allowing the application in hand, all the six legal representatives of the deceased Onkar Singh are taken on record. Let the amended cause title be filed today itself.2. On the request of learned counsels, I have also heard them on the revision petition.3. Shri Yogendra Singh, Advocate has submitted that during pendency of the suit filed by the revisionist and other plaintiffs, the khasra number of the disputed land has since been changed by the settlement authorities during settlement proceedings and therefore a prayer was made by the plaintiffs for amendment of plaint for making correction in the khasra number but the learned trial court did not permit them to do so. In case the suit of the plaintiffs is decreed, legal complications may arise on account of the old khasra number and to avoid the same, such application was filed by them. He has further argued that if the application of the plaintiffs is allowed, they would not request for producing any further evidence on their behalf.	

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	<p>He has also argued that the case is pending for evidence of the defendants and after submission of amended plaint, the suit may be posted for evidence of the defendants.</p> <p>4. Learned counsel for the contesting respondents has submitted that the revision petition may be accepted subject to payment of costs.</p> <p>5. In view of change in khasra number of the disputed land during pendency of suit and in view of concession of the learned counsel for the contesting respondents, the revision is accepted subject to payment of cost of Rs.3,000/- (Three Thousand only). The plaintiffs are permitted to make the desired amendment in the plaint as per their application. The said cost of Rs.3,000/- shall be deposited in the office of District Legal Services Authority, Bhilwara. If the above mentioned cost is not deposited within a period of one month from today, this revision shall be deemed to have been dismissed without any further reference to this Board.</p> <p>Pronounced. File be consigned.</p> <p style="text-align: center;">(Rajinder Kumar) Member</p>	