

27.08.2026
Ct. No.655
Sl. No. 79
Subadip

CO 4552 of 2025

Jaswant Kaur Bedi & Ors.
Vs.
Sri Arvinder Singh Bedi

Mr. Siva Prasad Ghose.
....for the petitioners

1. Learned Advocate representing the petitioners/defendants is present.

2. This civil revisional application has been filed under Article 227 of the Constitution of India challenging the impugned order dated 25.09.2025 passed by the learned Trial Court, whereby an application filed by the plaintiff under Order VI Rule 17 of the Code of Civil Procedure seeking amendment of the plaint was allowed.

3. The principal grievance of the petitioner is that, by permitting the proposed amendments, the learned Trial Court has allowed the plaintiff to introduce a new case, as a result whereof the nature and character of the suit would allegedly undergo a substantial change. It is further submitted on behalf of the petitioner that the evidence of defendant no. 1, namely, Smt. Jaswant Kaur Bedi, has already been recorded in the suit and, therefore, at such a stage the proposed amendment ought not to have been permitted.

4. The aforesaid submissions have been considered in the light of the impugned order and the materials placed before this Court.

5. It appears from the impugned order that the learned Trial Court, upon consideration of the proposed amendments, came to the conclusion that the facts sought to be incorporated by the plaintiff are essentially matters of fact which are required to be brought on record for the purpose of an effective and complete adjudication of the dispute between the parties. The learned Trial Court accordingly exercised its discretion under Order VI Rule 17 of the Code and allowed the amendment application.

6. It is well settled that the primary object of permitting amendment of pleadings is to enable the Court to determine the real questions in controversy between the parties and to avoid multiplicity of proceedings. At the same time, an amendment which seeks to introduce a completely new and inconsistent cause of action or which fundamentally alters the nature and character of the suit cannot ordinarily be permitted. The Court is, therefore, required to examine whether the proposed amendment is necessary for determining the real controversy and whether its allowance would cause such prejudice to the opposite party as cannot adequately be compensated or otherwise dealt with in accordance with law.

7. In the present case, the suit was instituted by the plaintiff seeking partition in respect of the case property. From the nature of the amendments noticed in the impugned order, it does not appear that the plaintiff is seeking to introduce a fundamentally different cause of action or to convert the suit into one of an altogether different nature. Rather, the amendments are intended to incorporate certain factual aspects which, according to the learned Trial Court, are relevant for proper and effective adjudication of the dispute already pending before it.

8. The Court is required to consider whether the proposed amendment is necessary for deciding the real controversy and whether the opposite party can be afforded an adequate opportunity to deal with the amended pleadings. In the present case, the suit is still pending and the defendants would have sufficient opportunity, in accordance with law, to meet the amended case and to cross-examine the witnesses on the facts incorporated by way of amendment.

9. It is also significant that, as recorded in the impugned order, none of the facts sought to be incorporated by the proposed amendments appears to have arisen subsequent to the institution of the suit. The proposed amendments, therefore, cannot be said to be based upon some subsequent event which has fundamentally altered the nature of the dispute. The mere fact that certain factual assertions were not

incorporated in the plaint at the initial stage would not, in the facts of the present case, justify refusal of an otherwise relevant amendment, particularly when the learned Trial Court has found the same necessary for effective adjudication.

10. This Court further finds that no specific or substantial prejudice has been demonstrated on behalf of the petitioner which cannot be addressed by granting an appropriate opportunity to the defendants to deal with the amended pleadings. The defendants will have the opportunity to file an additional or consequential pleading, if permissible in law, and will also have the opportunity to cross-examine the witnesses with reference to the amended pleadings. Thus, the procedural safeguards available to the defendants remain intact.

11. It is equally important to bear in mind that the power of amendment of pleadings is discretionary. Unless such discretion has been exercised arbitrarily, perversely, or in disregard of settled principles of law, the supervisory jurisdiction of this Court under Article 227 of the Constitution of India ought not to be invoked merely because another view on the question of amendment may be possible. The scope of interference under Article 227 is supervisory and not appellate, and this Court is not required to substitute its own discretion for that of the learned Trial Court in

the absence of jurisdictional error, patent illegality or material irregularity.

12. In the present case, the learned Trial Court has considered the nature of the proposed amendments and has recorded reasons for arriving at the conclusion that the facts sought to be introduced are relevant and necessary for effective adjudication of the dispute. The proposed amendments do not, on the face of the record, appear to alter the fundamental nature of the partition suit. Nor has the petitioner been able to demonstrate any such prejudice which would justify interference with the discretionary order passed by the learned Trial Court.

13. Considering the submissions advanced by the learned Advocate for the petitioner, the nature of the suit, the stage of the proceeding and the reasons assigned by the learned Trial Court in the impugned order dated 25.09.2025, this Court finds no material illegality, perversity or procedural irregularity warranting interference in exercise of its supervisory jurisdiction under Article 227 of the Constitution of India.

14. Accordingly, the revisional application be and the same is hereby **dismissed**.

15. There shall be no order as to costs.

16. Let a copy of this order be sent to the learned Trial Court immediately.

17. Urgent Photostat certified copy of this order, if applied for, be given to the parties on payment of requisite fees.

(Prasenjit Biswas, J.)