



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

174

CR-5250-2026 (O&M)
Date of decision: 13.07.2026

Artim Gupta

. . . . Petitioner

Vs.

Neera Sharam and others

. . . . Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Vikas Mehsampuri, Advocate, for the petitioner.

DEEPAK GUPTA, J.

Petitioner herein is one of the legal representatives of deceased-defendant No.2-Rajesh Gupta in Civil Suit bearing CS-2016-2025 titled *Neera Sharma and another Vs. Bhagwan Dass and another*, pending before learned Rent Controller, Patiala. He is aggrieved by the order dated 22.05.2026 (Annexure P14), whereby the plaintiffs-respondents have been allowed to file additional replication.

2. I have heard learned counsel for the petitioner and have perused the impugned order.

3. The principal contention raised on behalf of the petitioner is that the Code of Civil Procedure does not contemplate filing of an additional replication and, therefore, the Trial Court acted without jurisdiction in granting such permission.

4. The submission cannot be accepted. Though the Code does not specifically employ the expression "additional replication", Order VIII Rule 9 CPC expressly empowers the Court to permit subsequent pleadings upon such terms as it deems fit. The object of the provision is to enable the Court to determine the real controversy between the parties and to permit additional pleadings, where subsequent events or subsequently disclosed facts make such

course necessary. The provision is procedural in nature and is intended to advance the cause of justice rather than to obstruct adjudication on merits.

5. In the present case, the dispute pertains to the estate of late Smt. Kamla Gupta, who expired on 15.11.1998. The plaintiffs, being daughters of the deceased, have sought declaration of their rights by challenging the mutation allegedly sanctioned on the strength of a Will said to have been executed by the deceased. The defendants, on the other hand, have set up a Will dated 01.09.1998 as the foundation of their defence.

6. The impugned order records that the plaintiffs had initially moved an application seeking production of the alleged Will so that an effective replication could be filed. In response thereto, the defendants took a categorical stand that the Will was in possession of the plaintiffs themselves and did not produce the document before the Court. In these circumstances, the plaintiffs filed their replication on the basis of the material then available to them.

7. Subsequently, while the application for vacation of the interim stay was under consideration, the defendants produced a photocopy of the alleged Will before the Court. The production of the document at that stage materially altered the factual position and furnished the plaintiffs with an opportunity to specifically deal with the contents, execution and validity of the document, which constituted the very foundation of the defence. It was in these changed circumstances that the plaintiffs sought permission to file an additional replication.

8. The learned Trial Court has exercised its discretion by permitting the additional replication after noticing the sequence of events and recording reasons therefor. The order neither introduces a new cause of action nor causes any prejudice to the defendants. Rather, permitting the plaintiffs to specifically respond to the Will relied upon by the defendants would facilitate complete and effective adjudication of the controversy between the parties and avoid multiplicity of proceedings.

9. It is well settled that procedural law is handmaid of justice. Orders permitting additional pleadings are essentially discretionary and procedural in nature. Unless such discretion is shown to have been exercised arbitrarily, capriciously or in disregard of settled legal principles, interference in exercise of the revisional/supervisory jurisdiction is unwarranted. The petitioner has failed to demonstrate that the impugned order suffers from any jurisdictional error, patent illegality or perversity.

10. Consequently, this Court finds no infirmity in the impugned order dated 22.05.2026 warranting interference. The revision petition is, accordingly, dismissed.

13.07.2026

Vivek

(DEEPAK GUPTA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>