

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 4293 of 2012 (O&M)
Date of Decision: 13.3.2015.**

Rajinder Kaur

.....Petitioner

Versus

Inderjit Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Gorakh Nath, Advocate
for the petitioner.

Mr. Vijay Tangri, Advocate
for the respondent.

SABINA, J.

Petitioner has filed this petition under Article 227 of Constitution of India challenging the order dated 2.6.2012 whereby application moved by the petitioner under Order 6 Rule 17 of the Code of Civil Procedure, 1908 ('CPC' for short) for permission to amend the plaint, was dismissed.

I have heard the learned counsel for the parties and have gone through the record available on the file carefully.

Petitioner has filed suit for declaration to the effect that she was owner in possession of the property in question to the extent of half share on the basis of registered Will dated 27.8.1973 executed by her grandfather Karam Singh. During the pendency of the suit, petitioner moved an application under Order 6 Rule 17

CPC seeking permission to amend the plaint. By way of the amendment, petitioner now wants to challenge the Will dated 27.8.1973 and wants that the suit of the plaintiff be decreed on the basis of natural succession. The learned Trial Court rightly dismissed the application moved by the petitioner seeking amendment of the plaint as by way of amendment, petitioner wants to change the nature of the suit. In fact, initially, the suit had been filed by the petitioner for declaration basing reliance on the Will dated 27.8.1973 whereas now by way of amendment, petitioner wants to challenge the said Will and has prayed that the said Will be declared null and void.

No ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

March 13, 2015
Gurpreet