

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.2266 of 2016

Date of Decision.30.03.2016

Prabodh Singh

.....Petitioner

Vs.

Mrs. Kavita Singh and others

.....Respondents

Present: Mr. Kunal Dawar, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. In the written statement filed by the brothers, it is contended that the father has executed a Will and that there is already a decree. The plaintiff, who sought for right in the property for joint possession along with the brothers and sisters, has sought now for amendment of the plaint to incorporate appropriate pleadings to deny the Will and the decree. The defendant is aggrieved that such a contention is taken after the trial has begun.

2. The Trial Court has observed that the plaintiff has not exercised due diligence but all the same allowed for the amendment to be brought forth. I cannot find any prejudice to have been caused, for a Will is not required to be set aside. If the defendant propounds a Will, he has to prove it in terms of Section 68 of the Indian Evidence Act. If the plaintiff only wants to make complete the pleadings by express denial, he cannot be taken as bringing any additional pleading which can

take defendant by surprise.

3. I maintain the order and dismiss the revision petition.

(K. KANNAN)
JUDGE

March 30, 2016
Pankaj*