

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH.**

**120**

**CR No.4506 of 2018 (O&M)  
Date of Decision: July 18, 2018**

Mohinder Kaur and others

**.....PETITIONER(s).**

**VERSUS**

Narinder Pal Singh and others

**....RESPONDENT(s).**

**CORAM:- HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present: Mr.Ashwani Talwar, Advocate  
for the petitioners.

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**DEEPAK SIBAL, J. (ORAL)**

Through the present petition, challenge is made to the order dated 07.04.2018 passed by the Civil Judge (Junior Division), Jalandhar (for short – the Trial Court) through which the application filed by the respondents under Order 6 Rule 17 CPC for amendment of the plaint has been allowed subject to payment of costs.

The facts in brief which need to be noticed for adjudicating upon the present petition are that in November, 2014 the plaintiff-respondent No.1 filed a suit seeking therein a declaration to the effect that respondent No.1 and the petitioners/defendants be declared joint owners in possession to the extent of 1/6<sup>th</sup> share of the property fully detailed and described in the head note of the plaint. The Will dated 12.06.1989 by Mohinder Singh in favour of petitioner No.1 was also challenged. While the plaintiff's evidence was being led, an application under Order 6 Rule 17 CPC was filed by respondent No.1-plaintiff seeking amendment of the

plaint to the extent of seeking a declaration that sale deeds dated 03.07.2015 and 16.12.2016 executed by petitioner No.1 in favour of petitioner No.2 be declared null and void being a result of fraud. Relief of injunction against petitioner No.2 from restraining him to alienate the suit property was also prayed for. Amendments in the pleadings with regard to the above prayers was also sought. Subject to payment of costs, the Trial Court allowed the amendment primarily on the ground that the challenge had been made to the sale deeds which came into existence during the pendency of the suit. Such order is the subject matter of challenge in the present petition.

It is not disputed that the sale deeds sought to be challenged through the impugned amendment are dated 03.07.2015 and 16.12.2016. Thus, these sale deeds came into existence during the pendency of the suit and, therefore, being subsequent acts, rightfully occasioned the amendment. Since fraud was the basis to challenge the aforementioned sale deeds, pleadings to that effect were required to be incorporated in the plaint. Even after the amendment, the nature of the suit remains the same.

In view of the above, there is no occasion to interfere with the impugned order passed by the Trial Court.

Accordingly, the present petition is dismissed.

**July 18, 2018**  
*A.Kaundal*

**( DEEPAK SIBAL )**  
**JUDGE**

***Whether speaking/reasoned:*** ***Yes/No***

***Whether Reportable:*** ***Yes/No***