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

**Civil Revision No.7147 of 2016 (O&M)  
Date of Decision: 01.10.2018**

**PARAMJIT KAUR** .....Petitioner  
**Vs**  
**PIARJIT KAUR AND ORS** ....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present:Mr. Bikramjit Singh Bajwa, Advocate  
for the petitioner.

None for the respondents.

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**RAJ MOHAN SINGH, J. (Oral)**

[1]. Petitioner has assailed the order dated 07.09.2016 passed by the Civil Judge (Jr. Divn.) Batala, vide which the application filed by the petitioner under Order 6 Rule 17 CPC for amendment of the plaint was rejected.

[2]. The proposed amendment as contained in para No.3 of the application is to the following effect:-

*“The said Kulwant Kaur had full faith upon the defendant nos.4 and 5 and the defendant nos.4 and 5 asked the said Kulwant Kaur that they have got link with the Pension Authority and they can arrange the old family pension for the said Kulwant Kaur and on the assurance of defendant nos.4 and 5, the defendant nos.4 and 5 brought the said Kulwant Kaur in Tehsil Compound, Dera Baba Nanak for the said purpose and they i.e. the defendant nos.4 and 5*

*obtained the thumb impression of said Kulwant Kaur on some various papers alleging that they require the thumb impression of the said Kulwant Kaur for getting the Old age pension and after some time.”*

[3]. At the time of issuance of notice of motion on 08.11.2016, following order was passed by this Court:-

*“Learned counsel for the petitioner contends that the proposed amendment in the plaint is clarificatory in nature inasmuch as that in para no.4 of the plaint, it was pleaded that defendant Nos.4 and 5 had alleged that Smt. Kulwant Kaur had executed some Will in their favour which was wrong and denied. The said Will was claimed to be forged and fabricated document. In clarification to the aforesaid pleadings, the proposed amendment is to the effect that Kulwant Kaur had full faith upon defendant Nos.4 and 5, who were instrumental in bringing her to Tehsil premises on the pretext of arranging old age pension.*

*Notice of motion for 15.12.2016.”*

[4]. Respondents have been served through their counsel before the trial Court. However, there was no representation on 30.07.2018 on behalf of the respondents. Today, also there is no representation on behalf of the respondent despite service.

[5]. I have considered the submissions made by learned counsel for the petitioner and proceeded to decide the case on merits.

[6]. The suit filed by the plaintiff is for declaration to the effect that the plaintiffs are the co-sharers in possession to the extent of 3/7<sup>th</sup> share in the land measuring 54 *Kanals* 1 *Marla* as

defined in the head note of the plaint. Restraint in the form of permanent injunction was also sought against respondents No.4 and 5 in respect of alienation of the suit property.

[6]. The proposed amendment in the plaint is clarificatory in nature. The background in which Smt. Kulwant Kaur had executed the Will in favour of the defendants No.4 and 5 is stated to be explained by way of incorporating the proposed amendment, as by doing so the nature of the suit will not change.

[7]. The elaboration in the pleading in the form of clarification can be allowed to be incorporated in the original plaint.

[8]. In my considered opinion, the proposed amendment is *bona fide* in nature and the same satisfies the ingredients of Order 6 Rule 17 CPC.

[9]. In view of above, the impugned dated 07.09.2016 passed by the Civil Judge (Jr. Divn.) Batala is set aside. This revision petition is allowed. Normal consequences to follow.

October 01, 2018

*Atik*

Whether speaking/reasoned  
Whether reportable

**(RAJ MOHAN SINGH)**  
**JUDGE**

Yes/No  
Yes/No