

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CR No.7145 of 2018

Date of decision:22.10.2018

Vishnu Kanta

... Petitioner

versus

Propkar Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.K.C.Rajput, Advocate,
for the petitioner

...

AMOL RATTAN SINGH, J. (Oral)

Learned counsel for the petitioner submits that the amendment sought by the petitioner in the plaint, is only by way of a formal amendment to challenge the will set up by the respondents-defendants in their written statement and therefore, amendment of the plaint would not make any difference.

He further submits that in fact not even an issue has been framed with regard to the authenticity of the will.

Having considered the aforesaid arguments, I find no reason to interfere with the impugned order, in view of what is clearly stated therein, to the effect that even the oral will had been referred to by way of an affidavit filed by the respondents defendants on 30.8.2014, with their written statement having been filed thereafter on 4.11.2014.

Thereafter the entire evidence having been led by both the parties, the application under Order 6 Rule 17 CPC was filed only at the stage of final arguments. Therefore, in view of the proviso to the aforesaid provision, with obviously the petitioners having knowledge of the fact that

the will had been relied upon by the respondents at least for the past 3 years before the application was filed, in my opinion too, it was filed at the final stage only to delay the proceedings.

Consequently, finding no merit in this petition, it is dismissed *in limine*.

However, all observations made are wholly in the context of the application filed under Order 6 Rule 17, and not on the merits of the suit itself.

22.10.2018
pk/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No