

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

CR-870-2017 (O&M)

Date of decision : 19.3.2018

Shiv Kumar Goel and others

..... Petitioners

Versus

Rekha Aggarwal

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Jitender Nara, Advocate for the petitioner.

Mr. S. S. Dinarpur, Advocate for the respondents.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 16.1.2017 (Annexure P-4) passed by learned Civil Judge, (Junior Division), Yamuna Nagar at Jagadhari, vide which application dated 16.12.2016 (Annexure P-2) filed by the plaintiff-respondent under Order VI Rule 17 of the Code of Civil Procedure, 1908 (for short 'the CPC, 1908') was allowed.

Heard.

Respondent-plaintiff had filed an application for amendment of the plaint stating that she has challenged the Will dated 29.5.2002, allegedly executed by Basheshwar Nath Goyal.

It has been stated that during the pendency of the suit, respondent-plaintiff moved an application under Order XI Rule 14 of the CPC, 1908 asking the defendant to supply some documents. When these

documents were supplied, she came to know that defendants have one Will dated 7.1.2005 allegedly executed by Smt. Padmavati-mother of the respondent-plaintiff. Therefore, petitioner want to include some properties and want to change the share and challenge the said Will.

Learned trial Court has come to a conclusion that these documents came to the notice of the respondent-plaintiff only when these were supplied in pursuance to the order passed under Order XI Rule 14 of the CPC, 1908.

Learned counsel for the petitioner does not deny that said Will dated 7.1.2005 was not pleaded in the written statement.

It being so, when some documents comes to the notice of the plaintiff, during the pendency of the suit and were not disclosed earlier, respondent-plaintiff has the right to amend the suit even after the commencement of trial. The other properties belonging to the parties should also be added, so that the entire controversy is completely and effectively decided.

In view of above, no ground to interfere in the impugned order dated 16.1.2017, passed by learned Civil Judge (Junior Division), Yamuna Nagar at Jagadhari is made out.

Dismissed.

Since the main petition has been dismissed, the pending miscellaneous application, if any, also stands disposed of.

(KULDIP SINGH)
JUDGE

19.3.2018
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Whether speaking / reasoned	Yes
Whether Reportable:	No