

In the High Court of Punjab and Haryana at Chandigarh

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CR No.5031 of 2017

Date of decision: 16.11.2019

KAVITA KAPOOR

.....petitioner

Versus

RAJAT SURI @ BOBBY AND ANR

.....respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.D.K.Bhatti, Advocate,
for the petitioner.

Mr.Vikram Anand, Advocate
for the respondents.

RAJ MOHAN SINGH, J.(oral)

After hearing learned counsel for the parties, it appears that the agreement, power of attorney and Will were executed on 30.5.2001, which were duly registered with Sub Registrar, Majri (Roop Nagar).

Suit for declaration was filed by the plaintiff-respondent No.1 on the basis of Will dated 15.6.2012 executed by Santosh Suri. The suit was filed on 13.10.2012. Santosh Suri died on 7.8.2012. Title in favour of Santosh Suri was pleaded on the basis of sale deed No.202 dated 30.5.2001 registered with Sub Registrar, Majri (Roop Nagar). The same stand was reiterated in the application filed by the plaintiff, after filing of written statement by the petitioner. Earlier defendant-petitioner was proceeded against ex parte. Thereafter, ex parte proceedings were set aside and the petitioner was allowed to file

the written statement. In the written statement filed by the

petitioner, factum of General Power Attorney of house No. 433 situated in village Khuda Ali Sher was disclosed. It appears that the agreement, general power of attorney and Will executed by Surinder Kaur in favour of Santosh Suri were registered on 29/30.5.2001 with Sub Registrar, Majri (Roop Nagar). Filing of application for amendment of plaint in the year 2017 cannot be said to be an act of espousing cause based on outcome of Will dated 15.6.2012 alone. Cause of action being dependant upon bundle of facts, cannot be appreciated at this stage. Amendment appears to be bona fide. It is a settled principle of law that all bona fide amendments are to be allowed. The effect of the same can be seen at the relevant stage.

For the reasons recorded herein above, I see no ground to interfere in this revision petition.

Accordingly, the present revision petition is dismissed.

November 16, 2019
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking

Yes/No

Whether reportable

Yes/No