

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

246

**CR No.8776 of 2017(O&M)
Date of Decision: 12.9.2019**

SATISH KUMAR

.....Petitioner

Versus

VINOD KUMAR AND OTHERS

.....Respondents

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

Present: Mr.Manmohan, Advocate
for the petitioner.

Mr.Bhag Singh, Advocate
for respondents No.2 and 3.

RAJ MOHAN SINGH, J.(Oral)

Petitioner has preferred this revision petition against the order dated 16.11.2017 passed by Additional Civil Judge (Sr.Divn.), Ambala, vide which the application filed by the plaintiff for amendment of the plaint under Order 6 Rule 17 CPC was dismissed.

Perusal of the record would show that the petitioner is son of Bhim Sain. Megh Raj executed a Will in favour of his grandson, namely, Bhim Sain in respect of entire property including agricultural land measuring 234K-7M. Other legal

representatives of Megh Raj laid challenge to the aforesaid Will in a civil suit. The civil suit was decreed vide judgment and decree dated 4.11.1978 and Will was set aside to the extent of 184K-3M of land and not in respect of entire land measuring 234K-7M. In execution proceedings, Rapat No. 63 was entered on 22.10.1980, wherein it was shown that possession of the land measuring 184K-3M was handed over to the decree-holder and the remaining land measuring 50K-4M was left with Bhim Sain, who was owner of the same. Bhim Sain executed a Will in favour of his wife including the aforesaid land measuring 50K-4M and the wife, in turn, further executed a Will in favour of the plaintiff. Mutation No.83 was sanctioned on 29.11.1980, vide which, entire land measuring 234K-7M was mutated in favour of decree-holder i.e. the legal representatives of Megh Raj by ignoring the decree dated 4.11.1978.

Petitioner seeks to bring on record the aforesaid factual matrix by way of proposed amendment and the said material, in my considered opinion, is required to be incorporated by way of proposed amendment in order to decide the controversy to the hilt. The proposed amendment is found to be bona fide and the same is required to be inserted in the pleadings of the plaintiff, however, subject to payment of cost(s) of Rs.10,000/-, to be paid to respondents No.2 and 3 before the trial Court. Payment of costs shall be the condition precedent for

granting indulgence by the trial Court in the aforesaid context.

Petition stands disposed of accordingly.

September 12, 2019
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No