

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

145

CR-1213-2022 (O&M)
Date of decision: 20.09.2022

DILBAGH SINGH THROUGH ATTORNEY MANJIT KAUR

..Petitioner

Versus

MANINDERJEET KAUR AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Arnav Sood, Advocate
for the petitioner.

Mr. Saurav Bhatia, Advocate
for respondent No.1 to 3.

ANIL KSHETARPAL, J(Oral)

The petitioner before this Court is a defendant in a suit filed by the plaintiffs claiming to be a joint owner in possession to the extent of 1/3rd share in the suit property along with consequential relief of permanent injunction. The dispute is between the family members. The plaintiffs claim that they are entitled to the property left behind by their father. The case is at the initial stage. An application filed by plaintiff No.2 and 3 for permission to amend the plaint claiming that they are exclusive owners of the property described in para 1 has been allowed.

This revision petition has been filed assailing its correctness.

This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

The learned counsel representing the petitioner claims that by way of an amendment, the plaintiffs cannot be permitted to challenge the correctness of the Will executed by their mother, though they can file a separate suit in this regard.

This Court has considered the submissions. It is well settled that the propounder of the Will is required to prove it in accordance with law while explaining the surrounding suspicious circumstances, if any. If the plaintiffs are entitled to file a fresh suit on the basis of the matter sought to be introduced by way of an amendment, then, in order to avoid multiplicity of litigation, it is appropriate to permit the plaintiffs to amend the plaint to include such matter which will enable the Court to decide the suit more comprehensively.

Hence, no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

September 20th, 2022

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*