

S. No.112

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

Civil Revision No.5511 of 2022

Date of Decision:29.11.2022.

Inderdeep Sahi

.....Petitioner

Vs.

Jaideep Singh Sekhon and others **.....Respondents**

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Seema Pasricha, Advocate for the petitioner.

DEEPAK GUPTA, J.

Petitioner is defendant No.2 before the learned trial Court. Petitioner is aggrieved by the order dated 03.08.2022 whereby learned trial Court has allowed the application under Order 6 Rule 17 CPC moved by the plaintiff (respondent No.1 herein) for amendment of the plaint in Civil Suit No.9183/2019 titled "Jaideep Singh Sekhon Vs. Hardeep Kaur Rinear & Others".

It is submitted by learned counsel that in the plaint initially filed by the plaintiff, it was pleaded that both his parents had executed two cross Wills dated 18.09.1975, bequeathing their properties including the suit land in favour of the plaintiff. Later on, the plaintiff filed another civil suit No.477/2020 (Annexure P.3) at Chandigarh titled "Jaideep Singh Sekhon Vs. Hardeep Rita Rinear & Others", by including other properties also and it was pleaded therein that oral settlement had taken place between his father and mother in the year 1971 as per which all the properties of the father, after his death were to be inherited by the mother during her lifetime only and, thereafter, to the son i.e. Plaintiff alone.

Learned counsel submits further that in the Civil Suit No.9183 of 2019 filed before learned Civil Judge (Senior Division), Ludhiana, the plea of any such settlement of 1971 was not taken and that by way of the amendment,

plaintiff wanted to incorporate that plea. That application is alleged to have been wrongly allowed by the trial Court.

After hearing learned counsel and perusing the paper book, I find no merit in the revision. It is conceded by learned counsel that case is still at the stage of filing of the written statement. The petitioner- defendant has not even filed the initial written statement so far and, therefore, no prejudice is being caused to the petitioner in any manner whatsoever. Petitioner will get the opportunity to controvert all the pleas being taken by the plaintiff- respondent No.1 in the amended plaint. Since the initial plaint will be part of record, so it will be for the trial Court to see as to what is the effect of the amendment made by the plaintiff in the amended plaint. There being no illegality or perversity in the impugned order, the revision is dismissed.

November 29, 2022
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No