

**In the High Court of Punjab and Haryana, at Chandigarh**

**Civil Revision No. 14359 of 2018**

**Date of Decision: 15.11.2023**

Balwinder Singh (Since Deceased) through his legal heir

... Petitioner(s)

Versus

Kapurthala Trading Company and Others

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Anil Kshetarpal.**

Present: Mr. Ashish Aggarwal Advocate  
for the petitioner(s).

Ms. Muskan, Advocate  
for Mr. Amit Arora, Advocate  
for the respondent No.1.

**Anil Kshetarpal, J.**

1. The trial Court has permitted the plaintiff to amend the memo of parties as well as para 2 of the plaint. The correctness thereof has been challenged by the defendants.

2. In order to comprehend the issue involved in the present case, it is important to take note of the original memo of parties, which is extracted as under:-

*“Kapurthala Trading Co. through its Proprietor Rakesh Kumar, age 52 years, son of Shri Chiranji Lal, resident of 345/21, Mohalla Kasab, Kapurthala, Tehsil Khadur Sahib, District Tarn Taran.*

*...PLAINTIFF*

*VERSUS*

*Balwinder Singh died through Lrs:-*

1. *Amandeep Singh @ Son,*
2. *Kawaljeet Singh @ Rinku,*
3. *Jagdeep Singh @ Mintu, sons of Balwinder Singh*
4. *Manjeet Kaur, widow of Balwinder Singh, all are residents of Village Khan Rajada, Tehsil Khadur Sahib, District Tarn Taran.*

...DEFENDANTS”

3. Balwinder Singh died in the year 2013, whereas the suit was filed in the year 2017. In para 2 of the plaint, the plaintiff asserted that Balwinder Singh, the defendants’ father, took a loan of ₹6,75,000/-. The defendants, while contesting the suit, asserted that their father-Balwinder Singh died in the year 2013. The plaintiff has filed an application for seeking permission to amend the memo of parties as well as para 2 of the plaint. The amended memo of parties reads as under:-

*“Kapurthala Trading Co. through is Proprietor Rakesh Kumar, age about 52 years, son of Shri Chiranji Lal, resident of 345/21, Mohalla Kasab, Kapurthala.*

VERSUS

1. *Balwinder Singh died through Lrs:-*
  - i) *Amandeep Singh @ Soni,*
  - ii) *Kawaljeet Singh @ Rinku,*
  - iii) *Jagdeep Singh @ Mintu, all sons of Shri Late Balwinder Singh, residents of village Khan Rajada, Tehsil Khadur Sahib, District Tarn Taran.*
2. *Amandeep Singh @ Soni,*
3. *Kawaljeet Singh @ Rinku,*

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4. *Jagdeep Singh @ Mintu, all sons of Shri Late Balwinder Singh, residents of village Khan Rajada, Tehsil Khadur Sahib, District Tarn Taran."*

4. The trial Court has allowed the application.

5. The learned counsel representing the petitioner contends that the entire structure of the suit has been changed as the plaintiff has now asserted that the defendant No.2 to 4 requested the plaintiff and demanded a loan for clearing their father late Sh.Balwinder Singh's credit loan limit of ₹6,75,000/- and the plaintiff paid the aforesaid amount through bank transaction.

6. This Court has considered the submissions. In fact, the original memo of parties was incorrectly drafted by the learned counsel representing the plaintiff. As already noticed, Balwinder Singh died in the year 2013, whereas the suit was being filed in the year 2017. Hence, Amandeep Singh alias Soni, Kawaljeet Singh alias Rinku, Jagdeep Singh alias Mintu and Manjeet Kaur should have been impleaded as the defendants rather than impleading Balwinder Singh through his legal representatives.

7. Moreover, the trial Court has only permitted the plaintiff to amend the plaint. The suit is at the preliminary stage.

8. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned order. Hence, the present revision petition is dismissed.

**(Anil Kshetarpal)**  
**Judge**

**November 15, 2023**

**"DK"**

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No