

2024:PHHC:022669
**148 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-835-2024 (O&M)
Date of decision: 16.02.2024

Rimpi Rani

....Petitioner

Versus

Neena Rani and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Sherry K Singla, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

1. The petitioner assails the correctness of the order passed by the trial court on 28.11.2023, while permitting the defendants to amend the written statement. learned counsel representing the petitioner submits that amendment of the plaint has been allowed at the fag end of the trial and this is amendment no.3. He submits that the court should not have allowed the application.

2. This Court has considered the submissions made by the learned counsel representing the parties.

3. Sh.Lachhman Dass and Smt. Shakuntla Devi executed two separate registered Wills in favour of their only son Sh.Rajiv Kumar. However, unfortunately, Sh.Rajiv Kumar died on 07.04.2011 whereas Sh.Lachhman Dass died on 25.11.2012. The petitioner herein is daughter of Sh.Lachhman Dass and Smt. Shakuntla Devi whereas the respondents are the widow and children of late Sh.Rajiv Kumar. During the pendency of the suit, an application was filed by the defendants to claim the property on the basis of the aforesaid two registered Wills,

which has been allowed by the trial court. It is evident that the parties are competing for the property left behind by late Sh.Lachhman Dass and Smt. Shakuntla Devi. Both the Wills are registered. The respondents are widow and minor children of late Sh.Rajiv Kumar, who was beneficiary of the Will. The court has permitted them to amend the written statement. Learned counsel representing the petitioner submits that under Section 105 of the Indian Succession Act, 1925, the testamentary deposition has elapsed because the legatee did not survive the testator. This aspect has already been examined by the trial court. At this stage, it would not be appropriate to express any opinion on the merits of the case.

- 4. Keeping in view the aforesaid facts, no ground to interfere is made out.
- 5. Hence, dismissed.
- 6. All the pending miscellaneous applications, if any, are also disposed of.

16.02.2024
rekha
Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No

(ANIL KSHETARPAL)
JUDGE