



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CR-3509-2024
Date of Decision.:01.07.2024

Kulwinder Singh		Petitioner
	Vs.	
Rajwant Kaur		Respondent

CORAM: HON’BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Siddarth Gupta, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

Petitioner is the defendant in civil suit titled “Rajwant Kaur v. Kulwinder Singh” pending before Additional Civil Judge (Senior Division), Bathinda. He is aggrieved by the order dated 06.03.2024 (Annexure P-1) passed by the trial Court, whereby application dated 12.11.2023 (Annexure P-4) moved by the respondent- plaintiff under Order 6 Rule 17 CPC for amendment of the plaint has been allowed.

On hearing learned counsel for the petitioner it emerges that petitioner- defendant is the father and respondent- plaintiff is the mother of the deceased Baljit Kaur. Dispute is regarding the inheritance of said Baljit Kaur, who died unmarried and issueless. Initially plaintiff sought inheritance on the basis of natural succession but later on she moved an application seeking amendment of the plaint on the ground that an unregistered Will dated 18.04.2020 had been executed by Baljit Kaur in her favour regarding the property in dispute. Said application for amendment has been allowed.



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Learned counsel contends that by allowing the application the nature of the suit has been changed.

I do not find merit in the contention.

Admittedly even the issues had not been framed when the application was moved. Dispute is regarding the inheritance of Baljit Kaur. Earlier the inheritance was claimed on the basis of natural succession whereas by way of amendment, plaintiff seeks inheritance on the basis of Will. As such, nature of suit is not going to change by allowing the amendment. It will be a matter of evidence yet to be led by the parties as to whether the Will to be set up by the plaintiff is proved or not.

As such, finding no merit in the present petition, the same is hereby dismissed.

(DEEPAK GUPTA)
JUDGE

July 01, 2024
Neetika Tuteja

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