



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

**CR No.389 of 2017 (O&M)
Date of decision : 11.03.2025**

Bhagat Piara Singh (deceased) through his LR

....Petitioner

Versus

Subash Chander Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Dr. Sunil Kumar Mallan, Advocate and
Ms. Hema Mallan, Advocate for the petitioner.

Mr. Himanshu Chhabra, Advocate
for the respondents.

PANKAJ JAIN, J. (ORAL)

Plaintiff is in revision aggrieved of order dated 03.10.2016 passed by Additional Civil Judge (Senior Division), Baba Bakala Sahib, District Amritsar, whereby application filed by the plaintiff seeking amendment in the plaint, stands rejected.

2. The suit was instituted on 20.08.2011. Bhagat Piara Singh/ plaintiff died on mid night of 30.11.2011/01.12.2011. Present petitioner filed application under Order XXIII Rule 3 CPC seeking his impleadment as legal representative of plaintiff Bhagat Piara Singh, claiming that plaintiff executed Will dated 04.09.2011 in his favour. The present petitioner vide



order dated 28.01.2013 was allowed by the Trial Court to contest the suit as legal representative of plaintiff Bhagat Piara Singh.

3. The respondents challenged the said order dated 28.01.2013 passed by Trial Court before this Court in CR No.2224 of 2013. The same was dismissed vide order, dated 20.08.2015. The defendants/respondents thereafter filed written statement on 20.10.2015. The issues were framed. The matter was fixed for plaintiff's evidence. It was at the time the plaintiff was to lead evidence that the present application was filed seeking amendment of the plaint. The petitioner by way of present application filed under Order VI Rule 17 CPC seeks amendment in the headnote as well as the relief clause of the plaint and seeks addition of Para No.12A wherein he has averred execution of Will dated 04.09.2011 by Bhagat Piara Singh in his favour.

4. The aforesaid application was contested by the respondents.

5. Trial Court dismissed the application holding that the application filed by the petitioner seeking impleadment as LR of Bhagat Piara Singh was allowed on 28.01.2013. Issue were framed on 19.01.2016. Despite having knowledge of the Will dated 04.09.2011, on the basis of which, he sought impleadment as legal representative of Phagat Piara Singh, plaintiff was not diligent to seek amendment in the pleadings prior to commencement of trial.



6. I have heard counsel for the parties and have carefully gone through records of the case.

7. In the considered opinion of this Court, the petitioner owes his very existence on the *lis* only to the Will dated 04.09.2011 claimed to have been executed in his favour by Phagat Piara Singh. Thus, in case the petitioner is not allowed to amend the present plaint incorporating proposed amendments, the suit will not have any material issue that needs to be adjudicated. Rather, the plaintiff will have to file another suit to claim his right as successor-in-interest of Phagat Piara Singh. The precise issue can be well adjudicated in the instant *lis*. Thus, allowing the application filed by the plaintiff under Order VI Rule 17 CPC in the present facts and circumstances, is not only necessary for the purpose of determining the real question in controversy between the parties, but is also in the interest of justice as the same shall reduce the multiplicity of the litigation.

8. In view of above, this Court finds that the impugned order passed by the Trial Court, cannot be sustained and the same deserves to be set aside.

9. Instant revision petition is allowed.

March 11, 2025

Dpr

(Pankaj Jain)

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No