



CR-994-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(227)

CR-994-2024 (O&M)

Date of decision: - 07.08.2025

Mahant Harman Dass

....Petitioner

Versus

Raja Singh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Karanjeet Singh Brar, Advocate,
for the petitioner.Mr. Inderjit Sharma, Advocate
for the respondents.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 08.09.2023 passed by the Civil Judge (Junior Division), Bathinda whereby application filed by the petitioner under Order 6 Rule 17 CPC has been dismissed.

2. On 28.02.2024, the Co-ordinate Bench of this Court was pleased to pass the following order: -

*“Present:- Mr. Karanjeet Singh Brar, Advocate
for the revisionist-petitioner.*

*Learned counsel for the revisionist-petitioner, inter-alia,
contends that the factum of the execution of the Will dated 01.02.2006*



by Mahant Parma Nand in favour of the petitioner, was not within the knowledge of the petitioner at the time of filing the Suit against the respondents-defendants and therefore, he had staked his claim on the suit property on the basis of the Will purported to have been executed by the above-named testator in his favour on 20.02.2018, as handed over to him by one Gurlal and the petitioner found the Will dated 01.02.2006 lying in the box belonging to the afore-mentioned testator, subsequent to the filing of the Suit and therefore, he wants to incorporate the factum of the existence of the above-said Will in his plaint by way of amending it but vide the impugned order, learned trial Court has erroneously dismissed the application moved by him for the afore-said purpose.

Notice of motion.

Let notices be issued to the respondents for 12.07.2024, through ordinary process, e-mail or any other electronic mode. Dasti as well.

Meanwhile, the trial Court shall adjourn the case, pending before it, to some date beyond the next date of hearing as fixed in the present petition.

February 28, 2024”

3. Learned counsel for the petitioner, in addition to the arguments raised before the Co-ordinate Bench of this Court, as noticed above, has submitted that at the time of adjudicating the amendment, the merits of the averments made in the application for amendment are not required to be considered. It is further submitted that the case is at the initial stage and the trial has not commenced and thus, no prejudice would be caused to the defendants in case the petitioner is permitted to make the said amendment. It is submitted that the amendment would help in fully and finally adjudicating the case and is necessary for proper adjudication



and would also help in avoiding multiplicity of litigation.

4. Learned counsel for the respondents, on the other hand, has submitted that even the second Will, which is sought to be relied upon, is an unregistered Will and the said Will has been made by the petitioner in connivance with the witnesses from a back date after they had realized that the Will dated 2018, which was initially propounded, would not be proved during the trial. It is further submitted that in case the petitioner is to be given an opportunity to amend the plaint, then, heavy cost should be imposed upon the petitioner and also the present respondents should be permitted to file their amended written statement by taking all the pleas which are available to them in law and mere allowing of the amendment should not be construed as an expression on the merits of the proposed amendment.

5. Learned counsel for the petitioner, in view of the submissions raised by learned counsel for the respondents has submitted that the petitioner is ready to pay costs of Rs.45,000/- to the defendants.

6. Keeping in view the above-said facts and circumstances and the fair stand taken on behalf of the petitioner as well as the respondents, the present revision petition is partly allowed and the impugned order dated 08.09.2023 is set aside with the following directions/observations: -

- (i) The petitioner would deposit an amount of Rs.45,000/- within a period of two weeks from today and the said amount would be released to the respondents/defendants in equal proportions i.e., Rs.5,000/- each.
- (ii) The petitioner would file the amended plaint within the

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aforesaid period of two weeks by moving an application before the trial Court. In case the said amended plaint is not filed and the above-said amount is not deposited within the aforesaid period of two weeks, then, the present revision petition would be deemed to have been dismissed.

- (iii) In case the directions No.(i) and (ii) are complied with by the petitioner, then, the respondents would file their written statement within a further period of two weeks.
- (iv) It is made clear that this Court has not opined on the merits of the amendment and it would be open to both the parties to raise all the pleas which are available to them in support of their case.

August 07, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No