

2025:PHHC:032081



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

**209**

**CR-1753-2024 (O&M)  
Date of Decision : 06.03.2025**

KULDEEP KAUR AND ANR.

.... Petitioners

VERSUS

KULDEEP SINGH AND ORS

.... Respondents

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Umesh Kumar Kanwar, Advocate for the petitioners.

Mr. Pardeep Kumar, Advocate for the respondents.

**ALKA SARIN, J. (ORAL)**

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 11.01.2024 (Annexure P-4) passed by the learned Civil Judge (Junior Division), Jalandhar whereby the application filed by the plaintiff-petitioners herein for amendment of the plaint was dismissed.

2. Brief facts relevant to the present *lis* are that the plaintiff-petitioners herein filed a suit for declaration that the Will dated 16.01.2002 alleged to have been executed by Sh. Swaran Singh son of Sh. Bhola Singh in favour of the defendant-respondents herein in equal shares ignoring the plaintiff-petitioners was illegal, null and void. Written statement was filed. The issues were framed on 28.08.2017. Issue No.7 has specifically been framed qua suit being bad for non-joinder and mis-joinder of necessary parties. The plaintiff-petitioners closed their evidence on 31.07.2023 after

availing numerous opportunities. Thereafter, when the case was fixed for the evidence of the defendant-respondents, the present application was filed for amendment of the plaint on 21.12.2023 only for the purpose of impleading daughters of Bhajan Singh, namely, Kulwinder Kaur and Balwinder Kaur as parties. Reply was filed to the said application. Vide impugned order the application was dismissed. Hence the present revision petition by the plaintiff-petitioners.

3. Learned counsel for the plaintiff-petitioners would contend that the plaintiff-petitioners are not claiming any relief against the proposed defendants and only want them to be impleaded as parties.

4. *Per contra*, learned counsel for the defendant-respondents would contend that the suit was filed in 2016 and the present application was filed in December 2023 and that DW-1 had already been examined.

5. Heard.

6. In the present case the suit was filed in 2016 and the issues were framed on 28.08.2017. One of the issues, being issue No.7, specifically framed is qua suit being bad for non-joinder and mis-joinder of necessary parties. A specific stand in the written statement in the preliminary objection is qua non-joinder of Kulwinder Kaur and Balwinder Kaur. It was well within the knowledge of the plaintiff-petitioners that the said two persons had not been impleaded as parties as specific objection was raised in the written statement. Yet the plaintiff-petitioners took no steps to file the application for impleading the said persons as parties and for amendment of the plaint. It is only when the evidence of the defendant-respondents had

commenced that the present application was filed. Permitting the amendment at this stage would amount to a *de novo* trial as the proposed defendants may want to file their pleadings as well as to lead their evidence. As noticed above this is not a case where the said fact was not within the knowledge of the plaintiff-petitioners. However, for the reasons best known to the plaintiff-petitioners, the application was not filed at that stage. Now in order to fill in the lacuna, the present application for amendment cannot be allowed.

7. In view of the above, I do not find any merit in the present revision petition and the same being devoid of any merits is accordingly dismissed. Pending applications, if any, also stand disposed off.

**06.03.2025**  
*Aman Jain*

**(ALKA SARIN)**  
**JUDGE**

*NOTE: Whether speaking/non-speaking: Speaking*  
*Whether reportable: Yes/No*