



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

CR-3693-2024 (O&M)

Date of Decision : 28.04.2025

Tejinder Singh Dhillon (deceased) through LR ... Petitioner(s)

Versus

Suchpreet Singh Dhillon & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. K.S. Sidhu, Senior Advocate with
Mr. Kartik Bansal, Advocate for the petitioner.

Dr. Anmol Rattan Sidhu, Advocate with
Mr. Shiv Kumar Sharma, Advocate for respondent Nos.1 and 2.

Mr. Gurbhej Singh, Advocate for respondent Nos.3 and 4.

ALKA SARIN, J. (Oral)

CM-7364-CII-2025

1. This is an application for impleading the legal representatives of respondent No.2 – Jaspal Singh Dhillon – who is stated to have died.

2. For the reasons stated in the application, the same is allowed subject to all just exceptions. Legal representatives of respondent No.2 – Jaspal Singh Dhillon – mentioned in para No.3 of the application are impleaded as parties. Amended memo of parties is taken on record.

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3. The present revision petition has been preferred impugning the order dated 16.05.2024 (Annexure P-10) whereby the application under Section 151 of the Code of Civil Procedure, 1908 for recalling of the order dated 01.12.2023 and the order dated 21.12.2023 has been dismissed.

4. Brief facts relevant to the present *lis* are that the plaintiff-respondent No.3 - Karamjit Singh - filed a suit *inter alia* for possession by way of partition of the immoveable properties left by Late Harpal Singh Dhillon who is stated to have died on 20.02.2018 at Patiala as also for declaration that the alleged Will dated 25.11.2017 and the mutations entered thereupon, were illegal, null and void. Initially, written statement dated 11.07.2018 was filed on behalf of defendant Nos.1 to 3 i.e. Sachpreet Singh Dhillon (respondent No.1 herein), Tejinder Singh Dhillon (petitioner herein) and Jaspal Singh Dhillon (respondent No.2 herein). Subsequently, an application (Annexure P-3) was filed by defendant No.3 (Jaspal Singh Dhillon) for amendment of the written statement and a separate application (Annexure P-5) was filed by defendant No.1 (Sachpreet Singh Dhillon) for amendment of the written statement. The said applications were allowed by the Trial Court vide two separate orders dated 01.12.2023 (Annexure P-4) and 21.12.2023 (Annexure P-6). An application was filed by the present petitioner, who is defendant No.2 in the suit, for recalling of the orders dated 01.12.2023 and 21.12.2023 on the ground that the stand taken by the petitioner herein in the joint written statement was now, by way of the amendment, been changed and a totally contrary stand has been taken without any intimation to the petitioner herein. It was further stated in the application that the application for amendment was filed which was conceded to by the counsel for the plaintiff-respondent No.3 and the application was accordingly allowed. The application for recalling of the orders dated 01.12.2023 and 21.12.2023 was dismissed by the Trial Court vide order dated 16.05.2024 (Annexure P-10). Hence, the present revision petition.

5. Learned senior counsel for the petitioner as well as for respondent Nos.1 and 2 and the learned counsel for the respondent Nos.3 and 4 are *ad idem* that the amended written statements be treated as written statements only on behalf of respondent Nos.1 and 2 and that the petitioner would be at liberty to file his separate written statement. The learned counsel for the parties are further agreeable that the issues be accordingly reframed and the evidence be led by the parties in consonance with the issues framed.

6. In view of the above, the present revision petition is allowed. Accordingly, the amended written statements filed by respondent Nos.1 and 2 herein be treated as written statements only on their own behalf, respectively. The earlier joint written statement dated 11.07.2018 be treated as struck off. The petitioner herein is permitted to file a separate written statement on the same lines as filed earlier. Thereafter, the issues be reframed in accordance with the pleadings and the evidence be led by the parties in accordance with law.

7. Disposed off accordingly. Pending applications, if any, also stand disposed off.

8. It is made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

28.04.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO