



CR-6589-2025(O&M)

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

(124)

CR-6589-2025(O&M)

Date of Decision:-17.09.2025

Charanjit Kaur

.....Petitioner

Versus

Kuldeep Singh Gill @ Billa and Others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Hitesh Verma, Advocate,
for the petitioner.

AMARINDER SINGH GREWAL, J. (Oral)

1. The present revision petition under Article 227 of the Constitution of India has been filed by the petitioner challenging the impugned order dated 15.07.2025 (Annexure P-5), passed by the learned Civil Judge (Junior Division), Barnala, whereby an application dated 28.01.2021 (Annexure P-2) filed by the petitioner under Order VI Rule 17 CPC for amendment of the title of the suit and plaint has been dismissed.

2. Briefly stated, the petitioner instituted a suit for declaration and joint possession against the respondents in respect of the estate of late Harbans Singh. It was averred that the petitioner had married to Harbans Singh on 23.11.2016. The Will dated 13.04.2018 set up by the respondents was alleged to be forged and fabricated. During the pendency of the suit, it came to the notice of the petitioner that respondent No.3 had been wrongly described in the plaint as "Gurmeet Kaur w/o Late Jagjit Singh", whereas in fact, Jagjit Singh has not been declared dead and no such relationship has been established. Accordingly, the petitioner had filed an application under Order



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VI Rule 17 CPC seeking (i) correction of title, (ii) addition of pleadings to clarify that Jagjit Singh had not been declared dead, (iii) insertion of Para 11-A regarding fraudulent preparation of Will, Gift Deed, and Sale Deed by respondents, and (iv) typing mistake in headnote of the suit, which is reproduced as under:

"Gurmeet Kaur wife of not known, alleging herself to be the wife of Late Jagjit Singh, be corrected to "Gurmeet Kaur d/o Boota Singh resident of Alipur Road, Patiala. This fact shall be elaborated further in Para no. 6-A of the plaint to the effect that Jagjit Singh has not been confirmed or declared to be dead so far, his wife Jaswant Kaur (daughter of Jameet_Singh) is a resident of Chakk Bakhtu, near Bhucho Mandi, District Bathinda. She is the daughter of one Jameet Singh of Chakk Bhakhtu. Her husband Jagjit Singh, who was born from the first wife of Harbans Singh Gill, namely Harbans Kaur belongs to village Bilaspur and was the daughter of Gurmukh Singh her brother Surjit Singh, Pritam Singh etc. are alive, that Jagjit Singh son of Harbans Singh Gill cannot be treated to be deceased, until, so declared by some court or confirmed by a Death Certificate."

3. The respondents, thereafter, contested the said application and learned Trial Court, vide impugned order dated 15.07.2025, dismissed the same. Aggrieved thereby, the petitioner has approached this Court.

4. Learned counsel for the petitioner *inter alia* contends that the proposed amendment was merely a correction of an inadvertent error and elaboration of material facts, which is necessary for proper adjudication of the case. Since, the suit is still at the initial stage, no prejudice would have been caused to the respondents.

5. I have heard learned counsel for the petitioner and carefully



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perused the paper book.

6. In view of the order proposed to be passed, notice is not being issued to respondents as it would delay the proceedings besides entailing additional expenses to the respondents.

7. The law with regard to amendment of pleadings is well settled. In ***Life Insurance Corporation of India v. Sanjeev Builders Pvt. Ltd. (2022 SCC OnLine SC 1128)***, the Hon'ble Supreme Court reiterated that amendments should ordinarily be allowed if they are necessary to determine the real question in controversy and if no irreparable prejudice is caused to the opposite party. The relevant extract read as under:

“Where the amendment is sought before commencement of trial, the court is required to be liberal in its approach. The court is required to bear in mind the fact that the opposite party would have a chance to meet the case set up in amendment. As such, where the amendment does not result in irreparable prejudice to the opposite party, or divest the opposite party of an advantage which it had secured as a result of an admission by the party seeking amendment, the amendment is required to be allowed. Equally, where the amendment is necessary for the court to effectively adjudicate on the main issues in controversy between the parties, the amendment should be allowed”.

8. Similarly, in the case of ***Dinesh Goyal @ Pappu v. Suman Agarwal (SLP (C) No. 30324 of 2019, decided on 24.09.2024)***, the Supreme Court allowed amendment in a partition suit even after filing of written statement, holding that procedural law is meant to advance justice and not to thwart it.

9. Considering the fact that the suit was at a preliminary stage when



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the amendment application was moved and hence, no prejudice would have been caused to any of the parties, which cannot otherwise be compensated by costs. The impugned order passed by the learned trial Court, proceeds on hyper-technical grounds and specifically ignores the fact that the written statement is yet to be filed and trial is to commence after framing of issues.

10. It is also pertinent to mention here that in connected proceedings (CS No. 414/2020), the application filed by respondent No.3 under Order 1 Rule 10 CPC, claiming to be the widow of Jagjit Singh, was dismissed by the learned ACJ (SD), Barnala vide order dated 15.11.2022. This reinforces the petitioner’s stand that the clarification sought through amendment is *bona fide* and necessary.

11. In view of the above, the proposed amendment is necessary for determining the real question in controversy and the amendment does not change the nature of the suit but only clarifies material facts.

12. Accordingly, the present Civil Revision Petition is **allowed**. The impugned order dated 15.07.2025 (Annexure P-5) passed by the learned Civil Judge (Junior Division), Barnala is set aside and the application dated 28.01.2021 (Annexure P-2) filed by the petitioner under Order VI Rule 17 CPC is hereby **allowed**. The petitioner is permitted to amend the title of the suit and plaint as prayed, in accordance with law.

13. Pending application(s), if any, shall also stand disposed of.

(AMARINDER SINGH GREWAL)
JUDGE

17.09.2025
Shubham

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No