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

(383)

CR-7298-2018

Date of Decision: - 05.03.2026

Sukhwinder Kaur**....Petitioner****Versus****Gurcharan Singh (since deceased) through his LRs****.....Respondent****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Sandeep Bansal, Advocate, and
Ms. Nishtha, Advocate
for the petitioner.

None for the respondents.

VIKAS BAHL, J. (ORAL)

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 21.09.2018 (Annexure P-3) passed by the Additional Civil Judge (Senior Division), Hoshiarpur, whereby the application for amendment of plaint has been dismissed.

2. A perusal of the paper-book would show that the petitioner/plaintiff, being daughter of Gurcharan Singh, had filed a suit for declaration to the effect that she is owner in possession of ½ share of the suit land on the plea that the property in question was Joint Hindu Family Coparcenary property. Since during the pendency of the said suit, Gurcharan Singh had died and prior to his death, he had executed two



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Tabdil Malkiatnama on 01.01.2016, thus, the petitioner sought an amendment of the plaint. By virtue of the said amendment, the plaintiff wanted to raise several issues including the issue that the defendant Gurcharan Singh had suffered from paralysis and also had suffered brain hemorrhage and was mentally feeble. It was further the case of the petitioner (plaintiff) in the amendment application that the said defendant had executed a Will dated 03.08.2012 in favour of the plaintiff and in favour of one adopted son and that the defendant had no right to adopt two daughters of his alleged second wife. The trial Court had observed that in the present case, the primary issue is with respect to the property being Joint Hindu Coparcenary property or not, whereas, the other issues relate to the inheritance of Gurcharan Singh, which gives rise to a separate cause of action to the petitioner/plaintiff to institute separate proceedings/suit. It is further apparent that LRs of the defendant who had been impleaded in the present case are not parties in their personal capacity, who in a suit to be filed by the petitioner/plaintiff to claim inheritance of Gurcharan Singh would have to be impleaded in their personal capacity. It is not in dispute that the present suit of the plaintiff is at the final stage of rebuttal and arguments.

3. On 28.05.2019, the Co-ordinate Bench of this Court was pleased to pass the following order: -

“Present: Mr. Sandeep Bansal, Advocate for the petitioner.

Mr. Kawaljyot Singh, Advocate appears on behalf of respondent No.1(c).

Respondents No.1(b) and 1(d) have not come present despite



service. Accordingly, they are proceeded against ex parte.

Respondent No.1(a) Rekha Rani had already expired on 07.09.2018 and she is being represented by respondents No.1(b) and 1(d).

For further consideration, adjourned to 14.10.2019.

Interim order to continue.

28.05.2019”

4. It would be relevant to note that since 10.05.2022 although the case has been adjourned on several dates, but none had appeared on behalf of the respondent to oppose the present revision or the prayer made by the petitioner. Even on the last date of hearing, none had appeared on behalf of the respondent. Today again, no one has appeared on behalf of the respondent.

5. Learned counsel for the petitioner has submitted that in view of the fact that the trial had made much progress, the petitioner be permitted to withdraw the present revision petition with liberty to pursue the present suit with respect to the issues which arise in the present suit and liberty be also granted to the petitioner/plaintiff to file an independent suit with respect to the succession of the said Gurcharan Singh and other related issues regarding which the amendment was sought by the plaintiff/petitioner.

6. Keeping in view the above-said facts and circumstances, the petitioner is permitted to withdraw the present revision petition with liberty to pursue the present suit with respect to the issues which have already been framed in the present suit. Liberty is also granted to the

petitioner to institute appropriate proceedings/independent suit for the
pleas regarding which the amendment was sought and regarding which
even the trial Court in the impugned order dated 21.09.2018 had stated
that the same gives rise to a separate/independent cause of action to the
plaintiff/petitioner.

March 05, 2026

naresh.k

(VIKAS BAHL)

JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No