



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

123

CR-4014-2026 (O&M)
Date of decision: 13.05.2026

Jaswant Singh and another

...Petitioners

V/s

Iqbal Singh alias Bali and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Abhishek Bhardwaj, Advocate, for the petitioners.

VIKRAM AGGARWAL, J

The instant revision petition, preferred under Article 227 of the Constitution of India, assails the order dated 03.04.2026 (Annexure P-1) passed by the Court of Additional Civil Judge (Sr. Divn.), Samalkha, District Panipat, vide which the application moved by the petitioners/plaintiffs under Order 6 Rule 17 of the Code of Civil Procedure, 1908 (for short the "CPC") seeking amendment of the plaint was dismissed.

2. The facts, as emanating from the revision petition, are that a suit (Annexure P-2) for declaration was instituted by the petitioners/plaintiffs with the following prayer:-

"It is, therefore, prayed that a decree for declaration to the effect that the plaintiffs and proforma-defendant No.3 are owners in possession in equal shares i.e. 1/4th share each of the house bearing Property ID No. 143819427/9/46 (Old No.9/99), constructed over the land measuring 193 Sq. Yards marked by letters ABCD and bounded as In the East House of Ramdiya, In the West-Balmiki Mandir, In the North Road, In the South: House of Smt. Bhimo Devi wife of Krishan and Balmiki Mandir, situated within the area of Kuhar Panna of Village Samalkha, which falls within the Municipal limit of Municipal Committee, Samalkha, Tehsil Samalkha, District Panipat AND FOR FURTHER DECLARATION to the effect that the sale-deed bearing Vasika No.1015 dated 26.06.2014 allegedly executed by Devi Singh son of Chet Ram (real brother of the plaintiffs and proforma-defendant No.3) in favour of defendant No.1 regarding the

house in question is illegal, null, void, ab-initio, without sale consideration and has been procured by way of fraud and misrepresentation, not binding upon the rights of the plaintiffs and proforma-defendant No.3 and the same is liable to be set aside, WITH A CONSEQUENTIAL RELIEF OF PERMANENT INJUNCTION restraining the defendants from interfering into the peaceful possession of the plaintiffs and proforma-defendant No.3 over the house in dispute and also restraining the defendant No.1 from further alienating, transferring, mortgaging or creating charge over the suit property in any manner, be passed in favour of the plaintiffs and against the defendants. Costs of the suit be also awarded to the plaintiffs.”

3. The suit was opposed by defendant No.1 by way of a written statement (Annexure P-3).

4. Concededly, both sides have concluded their evidence and the matter was fixed for rebuttal evidence and arguments. At the said stage, an application (Annexure P-5) was moved by the petitioners/plaintiffs under Order 6 Rule 17 CPC seeking amendment of the plaint. It was averred that during the pendency of the instant suit, defendant No.1 (Iqbal Singh alias Bali) had instituted another suit i.e. Civil Suit No.261 of 2023 against the Human Welfare Credit and Thrift Cooperative Society Ltd. seeking a declaration as regards his rights qua the amount deposited by Devi Singh in the shape of an FDR in the abovesaid society on the basis of an unregistered Will dated 04.04.2018 alleged to have been executed by Devi Singh in favour of defendant No.1 as regards his moveable and immoveable properties. It was averred that in the said suit, the petitioners-plaintiffs and the proforma defendants had not been made parties. It was averred that in the instant suit, no reference of the Will had been given in the written statement. It was also averred that an application under Order 1 Rule 10 CPC had been moved by the petitioners/plaintiffs in the said suit seeking their impleadment as defendants which was pending adjudication.

5. It was averred that in case the second suit was withdrawn, the Will would remain in existence and could be misused in future. The

petitioners/plaintiffs, therefore, wished to challenge the said Will in the present suit and, therefore, prayed that they may be permitted to make the following amendments in the plaint:-

“6. That in view of the above said facts and circumstances, the applicants-plaintiffs want to amend the head-note of the plaint and duplicate plaint and want to insert the following sentence in 15th line at Page No.2 after the words "set aside" and before the words “WITH A CONSEQUENTIAL” :-

"AND FOR FURTHER DECLARATION to the effect that the alleged unregistered Will dated 04.04.2018 allegedly executed by Devi Singh son of Chet Ram (real brother of plaintiffs and proforma-defendant No.3) in favour of defendant No.1 regarding his entire moveable and immovable properties is also illegal, null and void, ab-initio, inoperative, result of fraud and misrepresentation, not binding upon the rights of the plaintiffs and proforma-defendant No.3 and is liable to be set aside".

7. That similarly, the applicants-plaintiffs also want to insert the above said "same sentence" in the prayer clause of the plaint and duplicate copy of plaint at Page No.13 in 6th line after the words "set aside" and before the words "WITH A CONSEQUENTIAL".

8. That the applicants-plaintiffs also want to add para No.8-A in the plaint as well as in the Copy of duplicate plaint in the following manner :-

"Para No.8-A-That the alleged unregistered Will dated 04.04.2018 allegedly executed by Devi Singh son of Sh.Chet Ram (real brother of plaintiffs and proforma-defendant No.3) in favour of defendant No.1 is also illegal, null and void, ab-initio, inoperative, result of fraud and misrepresentation, not binding upon the rights of the plaintiffs and proforma-defendant No.3 and is liable to be set aside and the same came into existence after filing of the present suit only in order to frustrate the legal right of the plaintiffs and proforma-defendant No.3 in the moveable and immovable properties of Devi Singh being his legal representatives and the defendant No.1 is the stranger and has no relation with said Devi Singh in any manner and further, in the written statement of the present suit, the defendant No.1 did not mention regarding the existence/execution of alleged Will dated 04.04.2018 allegedly executed by said Devi Singh in his favour regarding his entire moveable and immovable properties".

9. That the applicants-plaintiffs also want to amend para No.9 of the plaint and duplicate plaint and wants to add the following sentence in the

last line at Page No.11 after the words "over the same" and before the words "and is a continuous one":-

"Cause of action further arose in the year 2023 when the plaintiffs came to know regarding the alleged Will dated 04.04.2018 allegedly executed by said Devi Singh in favour of defendant No.1 regarding his entire moveable and immovable properties on filing of the another civil suit No.261/2023 titled as "Iqbal Singh Vs. Human Welfare Credit and Thrift Co-operative Society Ltd." and then, the plaintiffs filed an application u/o 1 rule 10 CPC for impleading them as defendants in that suit and further arose on 02.03.2026 when at the time of preparation of arguments in the present suit, it has been pointed out that it is necessary and essential to challenge the above said unregistered Will dated 04.04.2018 in the present suit"

6. By way of the impugned order, the said application was dismissed leading to the filing of the present revision petition.

7. I have heard learned counsel for the petitioners.

8. Learned counsel for the petitioners submits that the trial Court erred in dismissing the application for amendment. He submits that in the case of the instant suit being decreed, defendant No.1 may set up the Will or he may file another suit on the basis of the said Will. He submits that the amendment is being sought only with a view to avoid multiplicity of litigation. In support of his contention, he places reliance in the case of ***Dinesh Goyal @ Pappu vs. Suman Aggarwal (Bindal) & others, 2024 SCC Online SC 2615.***

9. I have considered the submissions made by learned counsel for the petitioners but find the same to be devoid of merit.

10. Concededly, evidence of both sides has been concluded in the present suit and the matter is fixed for rebuttal evidence and arguments.

11. As has been noticed in the preceding paragraphs, the petitioners-plaintiffs seek a declaration as regards their ownership and possession of the suit property and also seek a declaration that the sale deed dated 26.06.2014

allegedly executed by Devi Singh in favour of defendant No.1 is illegal, null and void, the same having been procured by way of fraud and misrepresentation. It is not the case of the petitioners/plaintiffs that the suit property had been transferred by Devi Singh in favour of defendant No.1 on the basis of the Will. The apprehension expressed by learned counsel for the petitioners as regards some subsequent suit to be filed is unfounded. In any case, no amendment can be allowed on the basis of mere apprehensions.

12. Still further, as rightly observed by the trial Court, the petitioners/plaintiffs have already moved an application under Order 1 Rule 10 CPC in the suit filed by defendant No.1 on the basis of the Will. Under the circumstances, there was no occasion to allow the amendment at the fag end of the trial as the same would, in a way, lead to a *de novo* trial.

13. Be that as it may, the case of the petitioner is not a case where such an amendment should be allowed. I have gone through the judgment relied upon by learned counsel for the petitioners. However, keeping in view the principles enunciated by the Hon'ble Supreme Court of India in the case of ***Revajeetu Builders & Developers Vs. Narayanaswamy & Sons & others***, 2010(1) RCR (Civil) 27, the judgment relied upon by learned counsel for the petitioners would not come to his aid.

14. That being so, the revision petition is found to be devoid of merit and is accordingly dismissed.

15. Nothing observed herein shall, however, be deemed to be an expression of opinion on the merits of the case.

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

(VIKRAM AGGARWAL)
JUDGE

May 13, 2026

vcgarg	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No