

CR-9053-2025

1

2026:PHHC:030745



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-9053-2025

Date of decision : 25.02.2026

Ravinder Kaur

... Petitioner

Versus

Amarjit Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Mansih Joshi, Advocate,
Mr.Aarush Kashyap, Advocate and
Mr.Aman Kashyap, Advocate
for the petitioner.

Mr.I.P.S. Kang, Advocate,
Mr. Vishesh Jain, Advocate and
Mr.Devansh Aggarwal, Advocate
for respondent no.1.

Mr. Arnav Mittal, Advocate
for respondent no.2.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the order dated 31.07.2025 (Annexure P-1) passed by the Civil Judge (Jr. Div.), Chandigarh, vide which the application filed by the petitioner under Order 1 Rule 10 CPC for transposing the present petitioner who was defendant no.2 before the trial Court as plaintiff, has been dismissed.



2. Learned counsel for the petitioner has submitted that in the present case, respondent no.2 (Paramjit Kaur) had filed a suit for declaration for declaring the plaintiff and defendants no.1 to 3 as owners to the extent of 25% share each in house in question. It is submitted that the interest of the plaintiff as well as the present petitioner, who is defendant no.2 in the main suit, was the same and that it is respondent no.1(Amarjit Singh-defendant no.1) who is the main contesting respondent (defendant no.1) who has set up the Will dated 04.04.2009, which as per his case is stated to be executed by Puran Singh, father of the plaintiff and the defendants. It is submitted that in case the said Will is not proved, then, the plaintiff and defendants no.1 to 3 would be entitled to 25% share each in the house in question. It is further argued that since the onus of proving the Will was on the defendants and the said issue was the primary issue, thus, it is defendant no.1 who has first led his evidence and now the evidence of the plaintiff is being led. It is argued that the plaintiff/respondent no.2 has no objection to the present petitioner being impleaded as plaintiff no.2 in the main suit. It is thus submitted that the impugned order dismissing the application of the petitioner / defendant no.2 to transpose deserves to be set aside.

3. Learned counsel for respondent no.2/plaintiff has submitted that he has no objection to the petitioner being impleaded as plaintiff no.2 in the suit as the interest of the petitioner and respondent no.2 is common.

4. Learned counsel for respondent no.1 has submitted that the petitioner has made every endeavour to delay the proceedings and the



petitioner /defendant no.2 was initially proceeded against ex-parte and thereafter moved an application for setting aside the said ex-parte order which was dismissed but the petitioner was permitted to join the proceedings on 20.11.2024. It is argued that it could not be disputed that the claim of the petitioner and respondent no.2 is on the same ground but the apprehension of respondent no.1 is that the petitioner, in collusion with respondent no.2/plaintiff, would delay the proceedings endlessly. It is submitted that in case the petitioner is to be transposed, then, number of opportunities for leading evidence to the petitioner along with respondent no.2/plaintiff should be limited and the petitioner / defendant no.2 be directed to lead evidence at their own responsibility as already sufficient opportunities including the last opportunity has been availed by the respondent no.2/plaintiff in order to lead her evidence. It is further submitted that the petitioner should not be permitted to make any amendment in the pleadings on account of the present transposition.

5. Learned counsel for the petitioner as well as learned counsel for respondent no.2-plaintiff have no objection to the said course of action but have submitted that they be permitted to file amended memo of parties.

6. Keeping in view the above said facts and circumstances and the fair stand taken by the learned counsel for the petitioner as well as learned counsel for respondents no.1 and 2, the impugned order dated 31.07.2025 is set aside and the present revision petition is disposed of with the following observations / directions:-

2026:PHHC:030745



- i) The application filed by the petitioner for transposing her as plaintiff no.2 stands allowed. The petitioner would file the amended memo of parties on or before 10.03.2026. No opportunity to amend the plaint would be given.
- ii) The petitioner and respondent no.2 would not be granted further opportunity to cross-examine the witnesses of respondent no.1/defendant no.1 who had already been examined in support of Will propounded by defendant no.1/respondent no.1.
- iii) The petitioner and respondent no.2 would be given only three effective opportunities from 10.03.2026 to conclude their entire evidence at their own responsibility as it is stated that already sufficient opportunities have been taken.
- iv) This Court has not opined on the merits of the claim of the respective parties and the trial Court is requested to decide the case after hearing all the parties concerned independently in accordance with law.

(VIKAS BAHL)
JUDGE

February 25, 2026.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No