

CR-5-2026

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2026:PHHC:031525



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-5-2026

Date of decision : 26.02.2026

Mohan Lal and another

... Petitioners

Versus

Tanish Kumar

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Sachin Ohri, Advocate
for the petitioners.

Mr.Amandeep Singh Manaise, Advocate
for the respondent.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 10.12.2025 (Annexure P-4) passed by the Additional Civil Judge (Sr.Div.), Gurdaspur, vide which the application filed by the petitioners under Order 6 Rule 17 read with Section 151 CPC for amendment of the written statement has been dismissed.

2. On 14.01.2026, this Court was pleased to pass the following order:-

“Present: Mr.Sachin Ohri, Advocate for the petitioners.

Inter alia contends that in the present case, the amendment sought in the written statement is very necessary for the full and proper adjudication of the case, inasmuch as the father of petitioner no.1 had

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executed a registered Will dated 21.04.2008 in favour of petitioner no.1 and other brothers and the said fact had not been mentioned in the written statement as the petitioner was not earlier aware of the said registered Will at the time when he filed the written statement. It is submitted that it is only when the revenue official was examined, he learnt about the said registered Will. It is further argued that since the onus of proving the registered Will would be on the petitioners, thus, no loss would be caused to the respondent as he would have every right to rebut the evidence led by the petitioners on the aspect of the Will. It is further submitted that for the inconvenience caused to the respondent, the petitioners are ready to compensate the respondent.

Notice of motion for 27.01.2026.

Notice re: stay.

Liberty is granted to the petitioners to serve the respondent through dasti process as well as through the counsel before the trial Court.

To be shown in the urgent list.

The petitioners would get an amount of Rs.30,000/- for the respondent as compensation for the inconvenience caused to the respondent.

It is made clear that in case the said amount is not brought on the next date of hearing before this Court, then the present petition is liable to be dismissed.

January 14, 2026”

3. Learned counsel for the petitioners has submitted that in pursuance of the said order, the petitioners have handed over Rs.30,000/- to the counsel for the respondent, who has reiterated the said fact.

4. Learned counsel for the respondent has sought time to get instructions in the matter and has submitted that in case the amendment is to be allowed and the issue with respect to the Will is to be framed, then, the onus of the same should be put on the defendants as it is the defendants,

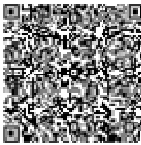


who are propounding the said Will. It is further stated that since the defendants are leading their evidence, thus, they should complete their entire evidence without seeking unnecessary adjournments and that the plaintiff/respondent be also given opportunity to lead rebuttal evidence on the evidence led by the petitioners including with respect to the issue of Will.

5. Learned counsel for the petitioners has submitted that he has no objection to the said course of action.

6. Keeping in view the above said facts and circumstances and the fair stand taken on behalf of the petitioners as well as the respondent, the present revision petition is partly allowed and the impugned order dated 10.12.2025 is set aside with the following observations / directions:-

- i) The amended written statement which is stated to have been filed along with application under Order 6 Rule 17 CPC would be taken on record by the trial Court and the additional issue with respect to the Will would be framed and the onus of the same would be put on the petitioners/defendants.
- ii) Since the petitioners are leading their evidence, thus, the petitioners would lead their entire evidence including the evidence in order to prove the execution of the said Will and other aspects.
- iii) Respondent /plaintiff would be given effective opportunity to rebut the evidence led by the defendants



including the evidence with respect to the issue of the Will.

iv) The present revision petition has been allowed subject to cost of Rs.30,000/- which has already paid by the petitioners to the respondent.

v) This Court has not opined on the merits of the case and the trial Court would decide the same independently in accordance with law.

(VIKAS BAHL)
JUDGE

February 26, 2026.
Davinder Kumar

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