HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL REVISION No. - 151 of 2025

Amar Ujala Publication Limited Now Amar Ujala Limited

.....Revisionist(s)

Versus

1. Smt. Mona Anand And 18 Others

.....Opposite Party(s)

Counsel for Revisionist(s)	:	Kalpana Sinha, Raghav Nayar
Counsel for Opposite Party(s)	:	Madhav Jain

Court No. - 54

HON'BLE ANIL KUMAR-X, J.

1. Heard learned counsel for the revisionist and learned counsel for respondent.

3. This civil revision has been directed against the order dated 07.08.2025 passed by the learned Additional District Judge, Court No. 15, Agra, in Original Suit No. 1043 of 2010 (Smt. Mona Anand and Others v. Amar Ujala Publication and Others).

4. Learned counsel for the revisionist submitted that the revisionist is a defendant in the aforesaid suit and had filed an amendment application seeking permission to file an additional written statement challenging the Will relied upon by the plaintiff/respondent. He submitted that, if the amendment application is considered in light of the date on which the original Will was filed, it would be evident that the proposed amendment was not delayed. Initially, a certified copy of the Will was filed by the plaintiff along with the plaint, and the original Will was subsequently filed in the year 2025. Immediately thereafter, the revisionist moved an amendment application seeking to challenge the Will on the grounds of coercion, undue influence, etc., which had not been raised in the written statement earlier due to the non-availability of the original Will deed. Learned counsel further submitted that the learned Trial Court had erred in rejecting the amendment application, as the proposed amendment was within time and was necessary for incorporating pleadings essential for the proper adjudication of the suit.

5. Per contra, learned counsel for the respondent submitted that a certified copy of the Will had been filed along with the plaint and that the original copy was also submitted in the year 2025 merely to avoid any controversy. He then drew the Court's attention to the plaint and the relief sought therein. He submitted that the prayer clause itself makes it evident that the plaintiff

has sought a decree for rendition of accounts and that the Will in question has no bearing on the pleadings or the relief claimed by the plaintiff. The Will deed does not form the basis of the suit. Apart from this, learned counsel submitted that the revisionist, being a stranger to the disputed property, could not challenge the Will on the grounds of fraud or misrepresentation contemplated under Section 17 of the Indian Contract Act. Accordingly, the learned Trial Court had rightly rejected the amendment application.

6. Heard learned counsel for the parties and perused the findings recorded by the learned Trial Court.

7. It is evident that an amendment application filed after the framing of issues can be allowed only in exceptional circumstances, such as where the party seeking the amendment, despite exercising due care and diligence, could not have raised the matter before the commencement of the trial, or where the facts sought to be introduced by way of amendment are essential for the proper adjudication of the dispute.

8. In the present case, the issues had already been framed, and the plaintiff's evidence had also been adduced before the learned Trial Court. A perusal of the plaint further reveals that the alleged Will does not form the basis of the suit. Rather, it has been referred to in support of the plaintiff's claim of ownership over the disputed property by virtue of the sale deed executed in the plaintiff's favour.

9. Under these circumstances, this Court finds that the amendment sought by the revisionist is not necessary for the proper adjudication of the dispute.

10. Accordingly, the impugned order dated 07.08.2025 passed by the learned Additional District Judge, Court No. 15, Agra, in Original Suit No. 1043 of 2010 is upheld, and the revision is dismissed.

October 27, 2026
Mukesh

(Anil Kumar-X,J.)

Digitally signed by :-
MUKESH SRIVASTAVA
High Court of Judicature at Allahabad