

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****201****CR-2691-2019 (O&M)****Date of Decision : 26.03.2025**

Jaspreet Kaur Bagga and Another

....Petitioners

VERSUS

Manjit Kaur (since deceased) through LR  
Mohan Singh Bagga and Others

....Respondents

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. D.S. Randhawa, Advocate for the petitioners.

Mr. Abhishek Khullar, Advocate for the respondents.

**ALKA SARIN, J. (Oral)**

1. Present revision petition has been filed challenging the order dated 10.10.2018 whereby the application filed by the defendant-respondents for amendment of the written statement was allowed.

2. The brief facts relevant to the present *lis* are that the plaintiff-petitioners herein filed a suit for declaration to the effect that plaintiff-petitioner No.1 being the widow and defendant-respondent No.1 being the mother of late Sh. Rajvinder Singh @ Rajwinder Singh Bagga were joint owners only to the extent of 1/3<sup>rd</sup> share each and that the unborn child would also be entitled to 1/3<sup>rd</sup> share. Subsequently, the minor child was also impleaded as a party. Thereafter, the plaint was amended to add plaintiff-petitioner No.2 as a party. In the amended written statement, additional issues were raised and additional paragraphs were added, which were eventually deleted by the Court on an application filed by the plaintiff-

petitioners herein vide order dated 17.11.2017 (Annexure P-5). Subsequently, present application was filed for amendment of the written statement under Order VI Rule 17 of the Code of Civil Procedure, 1908. By way of the amendment application, paragraph No.5 has been sought to be added to the preliminary objections, which runs into almost 09 pages. Reply was filed to the said application. Vide the impugned order dated 10.10.2018 the said application has been allowed. In the application a plea has been raised that plaintiff-petitioner No.1 was already married to one Gurdeep Singh prior to marriage with Rajwinder Singh Bagga and she solemnized the marriage with Rajwinder Singh Bagga without obtaining a divorce from Gurdeep Singh. Besides the said averments various other averments have been made which are totally irrelevant and have been made against the brother of plaintiff-petitioner No.1, who is not even a party to the present *lis*. Aggrieved by the impugned order dated 10.10.2018 the present revision petition has been filed.

3. Learned counsel for the plaintiff-petitioners would contend that the amendments sought are wholly irrelevant to the extent where allegations have been made against the brother of plaintiff-petitioner No.1, who is not even a party to the *lis*. By way of the amendment the defendant-respondents are totally trying to derail the suit by adding a new dimension to the entire litigation by introducing totally irrelevant facts.

4. *Per contra* learned counsel for the defendant-respondents is not in a position to deny that the brother of plaintiff-petitioner No.1 qua whom the allegations/averments have been made in the amended written statement

is not even a part to the *lis*. On a query by the Court as to the co-relation between the said averments and the present suit, learned counsel for the defendant-respondents has not been able to point out to any co-relation except for stating that the conduct of the plaintiff-petitioner No.1 is apparent from the fact that FIRs have been lodged against her brother.

5. Heard.

6. In the present case the application filed for amendment of the written statement by adding paragraph No.5 to the preliminary objections runs into almost 09 pages. A perusal of the amendment sought reveals that a plea is sought to be added that plaintiff-petitioner No.1 was not the legally wedded wife of Rajwinder Singh Bagga as she had not obtained a divorce from her earlier husband, Gurdeep Singh. However, subsequently some totally irrelevant facts have been mentioned about the family and the brother of plaintiff-petitioner No.1, who is not even a party to the *lis*. Learned counsel for the defendant-respondents has not been able to convince this Court that the amendment sought has any relation whatsoever to the litigation in hand.

7. Faced with the same, learned counsel for the defendant-respondents prays that the amendment qua plaintiff-petitioner No.1 being not the legally wedded wife of Rajwinder Singh Bagga may be upheld. However, the amendment application drafted is such that one consolidated paragraph which is sought to be added as preliminary objections No.5 runs into 09 pages. Segregation of the averments pertaining to the plaintiff-petitioner No.1 and rest of her family as well as her brother is not possible.

8. In view of the above, this Court is left with no other option but to set aside the impugned order dated 10.10.2018. However, liberty is granted to the defendant-respondents to move a fresh application under Order VI Rule 17 CPC for amendment of the written statement, which shall be dealt with by the Trial Court in accordance with law.

9. Disposed off in the above terms. Pending applications, if any, also stand disposed off.

26.03.2025

jk

**( ALKA SARIN )  
JUDGE**

NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO