



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-3427-2025 (O&M)
Date of decision: 10.09.2025

Santosh Devi and another

...Petitioners

Versus

Aatamparkash Through His LRs and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Sourabh Sheoran, Advocate for the petitioners.

Mr. Neeraj Sansaniwal, Advocate for the respondent.

DEEPAK GUPTA, J. (ORAL)

1. Petitioners herein are defendants No.4 and 7 in civil suit bearing CIS No.CS-423-2021 titled as 'Aatam Parkash Vs. Geeta Devi and others' and are aggrieved by the order dated 21.04.2025 passed by Civil Judge (Junior Division), Mohindergarh whereby an application filed by them under Order 6 Rule 17 CPC for amendment in the written statement has been declined.

2. It is contended by learned counsel that as per the initial stand taken by the petitioners-defendant No.4 and 7, it was pleaded that as per will dated 10.07.1998 of Sant Lal, owner of the Haveli in dispute is defendant No.6-Krishna and all the defendants are owners in equal share of the plot situated at Baluna and that Sant Lal, father of parties had expired on 19.12.2014. By way of the proposed amendment, defendants wanted to plead that in fact Santlal son of Motilal i.e. father of the defendant had left a Will No.165 dated 10.07.1998, in which Sant Lal had made a reference of two plots, out of which one plot is situated at Mohalla Baluna measuring 108 sq. yards and second plot is situated at Mohalla Fatehpuria, Mahendergarh. As per the Will, Shanti Devi was to be owner of the plot



situated at Mohalla Baluna Thus, Shanti Devi became owner in possession. However, said Shanti Devi executed a Will dated 04.03.2021 in favour of her grandson namely Lincon Sharma.

3. The aforesaid amendment sought by the petitioners has been declined by the trial Court on the ground that petitioners were not diligent enough so as to move the application and that the issues had already been settled.

4. Assailing the order, learned counsel submits that though the issues had been settled but at the time, when the application was moved, not even a single witness had been examined by the plaintiff-respondent. Learned counsel further submits that proposed amendment so as to introduce the Will dated 04.03.2021 of Smt. Shanti Devi is regarding the property in dispute

5. Counsel for the respondent-caveator has opposed the petition by submitting that after the passing of the impugned order, one witness has already been examined. It is also the contention that Will proposed to be introduced by the petitioners had come into existence prior to filing of the suit and therefore, there was no due diligence on the part of the petitioners.

6. Having considered submissions of learned counsel for both the sides, this Court is of the view that trial Court should have allowed the amendment considering the fact that Will proposed to be introduced by the petitioners is regarding the property in dispute. The plaintiff-respondent had not started leading the evidence, when the application was moved.

7. As such, without commenting anything on the merits of the case and considering the fact that respondent-plaintiff will get the opportunity to controvert the averments of the defendants to be taken by



way of amendment, in the rejoinder, the present revision petition is allowed. The trial Court would permit the petitioners-defendant Nos.4 and 7 to amend the written statement but subject to the cost of Rs.5000/- payable to the respondent-plaintiff.

8. Disposed of.

10.09.2025

Yogesh

**(DEEPAK GUPTA)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**