



CR-9303-2025 (O&M)

[1]

2026:PHHC:035526

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CR-9303-2025 (O&M)
Date of decision: 09.03.2026

Sukhraj Kaur ...Petitioner

Versus

Manjinder Kaur and others ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Amit Arora, Advocate for the petitioner.

DEEPAK GUPTA, J. (ORAL)

Petitioner herein is one of the plaintiffs in Civil Suit bearing CS-159 of 2017 titled *Manpreet Singh and others versus Manjinder Kaur and others*, pending before the learned Civil Judge (Senior Division), Tarn Taran. The petitioner has approached this Court being aggrieved of the order dated 14.11.2025 (Annexure P-8), passed by the learned trial Court, whereby an application filed under Order VI Rule 17 of the Code of Civil Procedure, 1908 seeking amendment of the plaint has been declined.

2. A perusal of the record shows that the plaintiffs instituted the aforesaid suit seeking a decree of declaration to the effect that they are owners in possession of the suit property on the basis of natural succession, along with the consequential relief of permanent injunction restraining the defendants from interfering in their possession. It was pleaded that plaintiff No.1 was the adopted son of deceased Bachan Singh and plaintiff No.2.

3. The defendants contested the suit by filing written statement, primarily relying upon a registered Will dated 12.04.2006 allegedly executed by deceased Bachan Singh in favour of defendant No.1.

4. Upon completion of pleadings, necessary issues were framed and the onus to prove the Will was rightly placed upon the defendants being the propounders thereof.

5. Learned counsel for the petitioner does not dispute that both the parties have already concluded their respective evidence and presently



the case stands fixed for rebuttal evidence/arguments.

6. Learned counsel for the petitioner submits that during the course of evidence led by the defendants, the plaintiffs came to know that the Will propounded by the defendants was the result of fraud and forgery allegedly committed by one of the defendant Beant Singh. On that basis, the petitioner sought amendment of the plaint in order to incorporate a specific plea challenging the Will on the ground of fraud and forgery. It is argued that the proposed amendment was merely explanatory in nature and did not change the nature of the suit and therefore, the learned trial Court ought to have allowed the amendment in the interest of justice.

7. This Court has considered the submissions made by learned counsel for the petitioner and has perused the impugned order as well as the material available on record.

8. It is not in dispute that the suit was instituted in the year 2017 and has already remained pending for more than eight years. The written statement filed by the defendants specifically relied upon the registered Will dated 12.04.2006 executed by deceased Bachan Singh. In the plaint itself, the plaintiffs had taken a categorical stand that Bachan Singh had not executed any Will during his lifetime and that even if any such document was alleged to have been executed, the same would not bind the plaintiffs. Even in the replication filed thereafter, the execution of the Will was specifically denied.

9. Thus, the plea sought to be introduced by way of amendment essentially relates to the validity of the same Will, which has been the foundation of the defence right from the inception of the suit. The plaintiffs were therefore fully aware of the stand taken by the defendants since the filing of the written statement. Despite that, no such plea was taken for several years during the pendency of the trial.

10. It is also significant that the application for amendment has been moved after commencement of the trial and after the parties have already concluded their evidence. The proviso to Order VI Rule 17 CPC clearly stipulates that once the trial has commenced, an amendment cannot be permitted unless the Court comes to the conclusion that despite due diligence the party could not have raised the matter before the



commencement of trial. In the present case, no such due diligence has been demonstrated. The petitioner has merely stated that the alleged forgery came to light during the evidence of the defendants, which by itself does not constitute sufficient ground to overcome the statutory embargo contained in the proviso.

11. Furthermore, the plaintiffs have already disputed the execution of the Will in their pleadings. The burden to prove the genuineness and due execution of the Will lies upon the defendants who are propounding the same. In that view of the matter, even without the proposed amendment, the plaintiffs are fully entitled to challenge the authenticity and validity of the Will during the course of arguments. Therefore, the proposed amendment was neither necessary for the adjudication of the real controversy between the parties nor does it advance the cause of justice.

12. Allowing such amendment at this advanced stage of the proceedings would inevitably reopen the entire trial and cause serious prejudice to the defendants, besides defeating the very object of the proviso to Order VI Rule 17 CPC which seeks to prevent belated amendments intended to delay the proceedings.

13. In view of the above circumstances, the learned trial Court has rightly concluded that the application for amendment was moved at a highly belated stage and was nothing but an attempt to protract the proceedings.

14. Consequently, this Court finds no illegality, perversity or jurisdictional error in the impugned order dated 14.11.2025 passed by the learned Civil Judge (Senior Division), Tarn Taran, warranting interference in exercise of revisional jurisdiction.

15. The present revision petition is, accordingly, dismissed.

09.03.2026

Yogesh

**(DEEPAK GUPTA)
JUDGE**

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No