

**IN THE COURT OF SH. VIPIN KHARB, DJ-03,  
SHAHDARA DISTRICT, KARKARDOOMA COURTS, DELHI**

**CS no. 712/23**

**Vikram Singh**

**...Plaintiff**

**Versus**

**Yogesh Kumar and Ors.**

**...Defendants**

**ORDER**

1. Vide the present application, I shall dispose off the application filed by the plaintiff u/o 6 rule 17 r/w section 151 CPC.

2. The plaintiff has filed the present application seeking for amendment of plaint by stating that defendant no. 1 has filed his written statement alongwith certain documents and alleged that he is the owner of property situated in Khasra no. 225, measuring 70 square yards, abadi of East Gokalpur, Harijen Basti, Village Saboli, Shahdara, Delhi (Old No.) New No. H. No. E – 10/297, Gali no. 10, E Block, East Gokalpur, Delhi – 110094 on the basis of registered Will dated 26.12.2022 executed by his father in his favour. The documents filed by the defendant no. 1 alongwith his written statement were neither in possession of the plaintiff nor in the knowledge of the plaintiff, therefore in change of circumstances, the plaintiff is seeking indulgence of this court to amend his plaint.

3. Reply to the application was filed by defendant no. 1 in which he stated that the plaintiff filed the original suit under the Succession Act, 1956 on 09.09.2023, therefore, plaintiff has the knowledge about the existence of Will before filing of the present suit and he should have mentioned about the Will in the original plaint.

4. Detailed arguments on application heard. Case file perused.

5. During arguments, Ld. Counsel for the plaintiff submits that only through the WS, they came to have the knowledge about Will and before that, they do not have any knowledge about its existence and further, copy of plaint of suit bearing CS no. 217/2023 filed by the defendant are received by them after filing of the present suit.

6. It is mentioned in the written statement that mother of defendant no. 1 has made a Will in the name of father of defendant no. 1 and father of defendant no. 1 has executed a registered Will dated 26.12.2022 in his favour. The suit bearing CS no. 217/2023 was filed by the defendant on 09.09.2023 and present suit was filed by the plaintiff on 25.09.2023. Before 25.09.2023, the summons of suit bearing CS no. 217/2023 were not served upon the plaintiff, which shows that plaintiff did not have knowledge of the suit bearing CS no. 217/2023 filed and also about both the Wills. At the first time, the facts of the presence of Will are brought to the notice of the plaintiff through WS filed by defendant no. 1.

7. Ld. Counsel for the plaintiff argued that vide the present application u/o 6 rule 17 CPC, they want to incorporate about the facts which was

brought to their notice through WS regarding execution of 02 Wills and other documents. The first Will executed by mother of parties in favour of father of parties and second Will executed by father of parties in favour of defendant no. 1 and he also seeks declaration regarding these Will and documents being null and void as these documents are forged and fabricated.

8. Considering that plaintiff has no knowledge of the fact of existence of Wills and other documents before filing of the plaint and further, amendment sought is necessary for the purpose of determining the real question of controversy between the parties and considering that till now, issues have not been framed in the present case, the application of the plaintiff u/o 6 rule 17 CPC stands **allowed**.

Announced in the Open Court  
on this 20<sup>th</sup> day of July, 2026

**(VIPIN KHARB)**  
**DISTRICT JUDGE – 03, SHAHDARA**  
**KARKARDOOMA COURTS, DELHI**