

03.03.2022

Present: Sh. Ankur Aggarwal, Ld. counsel for petitioner.  
Sh. Sanjeev Kumar Yadav, Ld. counsel for respondent no 3 to 6.  
Respondent no. 2 was proceeded exparte vide order dated 19.03.2021  
None for respondent no.1.

At this stage, Ld. counsel for plaintiff has pressed his application under Order VI Rule 17 r/w Section 151 CPC for seeking amendment in the main suit.

Ld. counsel for plaintiff submits that inadvertently he did not mention Section 237 of Indian Succession Act in the heading of the petition, as the petitioner in her entire petition relied upon photocopy of Will dated 04.08.2019 and requested that amendments are necessary for the proper adjudication of the suit.

Ld. counsel for respondent no. 3 to 6 submits that he has no objection if the present application is allowed subject to cost.

Submission heard. Record perused.

In view of his submissions and considering that this amendment does not change the nature and character of the suit and does not introduced any new ground or causes any prejudice to the respondents. Moreover, it is only a typographical error and the mistake is inadvertent, the application under Order VI Rule 17 r/w Section 151 CPC is allowed subject to cost of Rs. 2000/- to be deposited in DLSA, West. Amended plaint is taken on record. The earlier heading of petition is as under:-

“PETITION UNDER SECTION 276 OF THE INDIAN SUCCESSION ACT FOR THE GRANT OF PROBATE IN TERMS OF WILL DATED 04.08.2012 LEFT BEHIND BY LATE SH. TARLOCHAN SINGH BAKSHI”

Now, the heading of amended petition be read as under:-

“PETITION UNDER SECTION 276 READ WITH SECTION 237 OF THE INDIAN SUCCESSION ACT FOR THE GRANT OF PROBATE IN TERMS OF WILL DATED 04.08.2012 LEFT BEHIND BY LATE SH. TARLOCHAN SINGH BAKSHI”

Put up for arguments on application under Order 7 Rule 11 CPC on 21.03.2022.

**[Syed Zishan Ali Warsi]**  
**ADJ-05/West/THC/Delhi**  
03.03.2022