

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 15576/2025

1. Dhanesh S/o Late Bhikki, Aged About 50 Years, Resident Of Dhau Paysa, Atalband Gate Baahar Tehsil And District Bharatpur (Rajasthan).
2. Himmat Singh S/o Bhikki, Aged About 45 Years, Resident Of Dhau Paysa, Atalband Gate Baahar Tehsil And District Bharatpur (Rajasthan).
3. Surendra S/o Bhikki, Aged About 41 Years, Resident Of Dhau Paysa, Atalband Gate Baahar Tehsil And District Bharatpur (Rajasthan).

-----Petitioners-Plaintiffs

Versus

1. Mukut W/o Late Shri Devendar, Resident Of Dhau Paysa, Atalband Gate Baahar Tehsil And District Bharatpur (Rajasthan).
2. Abhay Singh S/o Late Shri Devendra, Resident Of Dhau Paysa, Atalband Gate Baahar Tehsil And District Bharatpur (Rajasthan).
3. Akshay S/o Late Shri Devendra, Resident Of Dhau Paysa, Atalband Gate Baahar Tehsil And District Bharatpur (Rajasthan).
4. Mina W/o Late Shri Birendar, Resident Of Dhau Paysa, Atalband Gate Baahar Tehsil And District Bharatpur (Rajasthan).
5. Abhishek S/o Late Shri Birendar, Resident Of Dhau Paysa, Atalband Gate Baahar Tehsil And District Bharatpur (Rajasthan).
6. Luvkush S/o Late Shri Birendar, Resident Of Dhau Paysa, Atalband Gate Baahar Tehsil And District Bharatpur (Rajasthan).
7. Mithlesh W/o Late Shri Dhaniram, Resident Of Dhau Paysa, Atalband Gate Baahar Tehsil And District Bharatpur (Rajasthan).
8. Abhimanyu S/o Late Shri Dhaniram, Resident Of Dhau Paysa, Atalband Gate Baahar Tehsil And District Bharatpur (Rajasthan).

-----Respondents-Defendants...

For Petitioner(s)	:	Mr. Prakhar Gupta Mr. Sanjay Sharma
For Respondent(s)	:	Mr. Atul Bhardwaj

HON'BLE MR. JUSTICE BIPIN GUPTA

Judgment / Order

26/02/2026

1. The present writ petition has been filed assailing order dated 14.05.2025, passed by learned Civil Judge-cum-Judicial Magistrate, Bharatpur, in Civil Misc. Case No. 24/2024, whereby the application filed by the plaintiffs-petitioners under Order 6 Rule 17 CPC for amendment in the plaint has been rejected.
2. Learned counsel for the petitioner contends that the suit was instituted for declaration and cancellation of a Will. He submits that, in the pleadings of the suit, while setting out the grounds for cancellation of the Will under Ground (B), an inadvertent error was made with regard to Stamp Register No. 1308 dated 25.07.2022. He further submits that the stamp had been sold by the stamp vendor, Sanjay Nimesh, to Premvati. However, upon inquiry, it was found that no such stamp had been issued by Sanjay Nimesh in favour of Premvati.
3. Learned counsel for the petitioner further submits that, in order to verify the said fact, a fresh application was submitted, whereupon it was discovered that an incorrect copy of the stamp register pertaining to Sanjay had been provided to them. In fact, the alleged Will was executed on a stamp procured from Sanjay Nimesh. Upon learning of this discrepancy, the petitioner immediately obtained the correct copy from the competent authority maintaining the stamp register of Sanjay Nimesh. Thereafter, an application under Order VI Rule 17 CPC was filed seeking amendment of the pleadings.
4. Learned counsel for the petitioner submits that the proposed amendment is merely a correction of a factual error and would

neither cause prejudice to the defendant nor alter the nature of the suit.

5. Per contra, learned counsel for the respondent submits that the application is misconceived. He contends that the subsequent document, which the plaintiff claims to have obtained upon discovering the incorrect copy of the register, had in fact already been procured prior to the institution of the suit. Therefore, the petitioner's contention ought not to be accepted, and the learned Trial Court has rightly rejected the application.

6. Heard learned counsel for both the parties and perused the material available on records.

7. This Court finds that the application for amendment was filed prior to the commencement of trial. By way of the proposed amendment, the petitioner seeks only to correct factual particulars relating to the description of the stamp on which the Will was executed.

8. This Court is of the view that the amendment sought is merely a correction of facts and does not amount to withdrawal of any admission. It would not cause any prejudice to the defendant.

9. This Court further finds that the proposed amendment does not, in any manner, change the nature of the suit. It also appears that the learned Trial Court, without properly considering the provisions of Order VI Rule 17 CPC and without examining whether the nature of the suit would change, whether any admission was being withdrawn, or whether the amendment was barred by limitation, rejected the application simpliciter.

10. Accordingly, this Court finds that the order dated 14.05.2025 cannot be sustained in the eyes of law. The said order dated

14.05.2025 is hereby quashed and set aside. The amendment sought by the petitioner is permitted. The application under Order VI Rule 17 CPC stands allowed, subject to payment of costs of Rs. 5,000/- to the respondent.

11. It is made clear that, upon filing of the amended plaint, the defendant shall be entitled to file an amended written statement.

12. With the above observations, the present civil writ petition stands disposed of.

13. All pending applications stand disposed of.

(BIPIN GUPTA),J