

In the High Court of Punjab and Haryana at Chandigarh.

CR No. 2071 of 2000 (O&M)
Decided on 12.2.2015

Gurdev Singh

--Petitioner

Vs.

Tara Singh

--Respondent

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr Lalit Garg, Advocate, for Mr. Gopal Mittal, Advocate,
for the petitioner

Rakesh Kumar Jain,J: (Oral)

The defendant is in revision against the order dated 10.5.2000 dismissing his application for amendment of the written statement, in which he wanted to add two preliminary objections i.e the suit is not maintainable and the plaintiff has not come to the Court with clean hands.

It is submitted by the learned counsel for the petitioner that reason for incorporating the aforesaid preliminary objections in the written statement is that after filing the written statement, report has come from the Forensic Laboratory that the signature on the agreement to sell, on the basis of which the plaintiff has filed the suit for specific performance, does not belong to the plaintiff. It is submitted that the said agreement to sell is a forged document.

After hearing learned counsel for the petitioner and examining the record, I am of the considered opinion that there is no merit in this petition because the question whether an agreement to sell, relied upon by

the plaintiff, is a forged document or not, would be covered by the issue framed by the trial Court as to “*whether defendant entered into agreement with the plaintiff dated 26.8.1988 to sell his house in dispute for consideration of Rs.30,000/- ?OPP.*”

This issue would cover the preliminary objection raised by the petitioner about the maintainability of the suit and also as to whether he has come to the Court with clean hands or not.

In view of the above, I do not find any merit in this petition and the same is hereby dismissed.

12.2.2015
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(Rakesh Kumar Jain)
Judge