

**118 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR No.6305 of 2015

Date of Decision: November 19, 2015

Chandan (deceased) through LR Petitioner

vs.

Malkhan Singh and others Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Sushil Bhardwaj, Advocate for the petitioner.

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Impugned in the present revision petition is the order dated 03.09.2015 (Annexure P-5) passed by learned Civil Judge (Sr. Divn.), Karnal, vide which application of the defendant-petitioner under Order 6, Rule 17 CPC for amendment of written statement, was dismissed.

After hearing learned counsel for the petitioner, I am of the view that the amendment sought for is not necessary for the just decision of the case. The defendant has already taken the plea in the written statement that the agreement to sell dated 09.05.2008 was not executed by Chandan Lal and it is forged as Chandan Lal used to sign only in Urdu. The agreement bears thumb impression of Chandan Lal. Now, the plea sought to be taken is that they had got document in the shape of Will of Chandan Lal dated 25.03.2011, which is signed by Chandan Lal in Urdu.

I am of the view that since forgery has already been pleaded, therefore, the evidence is not required to be pleaded in the written statement. The defendant can always lead the evidence to prove the forgery of the agreement and for that purpose, he can produce any document.

Thus, no ground is made out to interfere in the impugned order.

Hence, the present revision petition stands dismissed.

November 19, 2015
sarita

(KULDIP SINGH)
JUDGE