

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

CR No. 7093 of 2014 (O&M)

Date of decision: August 6, 2015

Simranjit Singh

...Petitioner

Versus

Pritam Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

1. **Whether Reporters of local papers 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?**

Present: Mr. RK Gupta, Advocate,
for the petitioner.

Mr. Anil Bansal, Advocate,
for respondent No.2.

K. KANNAN, J. (Oral)

1. The defendant's application in the course of trial for amendment of the written statement of two pleas, one suit was barred by Order 2 Rule 2 of the Code of Civil Procedure (for short '**the Code**') and the suit would also be not competent by virtue of Order 23 Rule 1 of the Code. The defendant has also stated in the plaintiff has concealed some important facts. The court below has taken, in my view, a narrow approach of the matter by only observing that the plaintiff has not suppressed anything and the plea now taken at the belated stager is not competent. If the plaintiff has not suppressed anything but the defendant pleads that there is suppression, it is matter for the court ultimately to decide whether the legal contentions could have been kept away and the amendment is denied. The court ought to have allowed the amendment to come on record, for, the objections are

purely legal in nature. The contention that the plaintiff has suppressed some facts need not be given any specific value but shall always be a matter of judicial adjudication and effect of such alleged suppression.

2. The order passed is set aside and the revision is allowed. The court will allow the benefit of rejoinder to the plaintiff and frame appropriate additional issues on the basis of the contentions raised by the defendant and place the burden on the defendant to prove the contentions pleaded by him.

August 6, 2015
prem

(K.KANNAN)
JUDGE