

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.3888 of 2016 (O&M)

Date of Decision.31.05.2016

Gurcharan Singh and others

.....Petitioners

Vs.

Vishal Gupta and another

.....Respondents

Present: Mr. Arvind Kashyap, Advocate
for the petitioners.

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?

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K. KANNAN J. (ORAL)

1. The defendant wants an elaboration of his assertion of bona fide purchase through an amendment in the pleading. This was brought after the plaintiff was cross-examined and when it was the turn of the defendant to give his own evidence. First of all, I will find no justification for a party to seek for an amendment after the trial had commenced and after the plaintiff's side was also closed. The plaintiff could not be cross-examined on any aspect for which there was no pleading and if the pleadings were wrong, amendment to be brought subsequent to the cross-examination of the plaintiff only means that the defendant is trying to bring on his pleading some aspect of the case which he could not even confront in the cross-examination with the plaintiff.

2. The counsel for the petitioners argues that he is only trying to elaborate the details of bona fides of his purchase. That shall be taken care of by the provision of Civil Procedure Code under Order 6 Rule 2 that in a

matter of pleading, it is not necessary to plead aspects of evidence. He will have liberty to take such aspect of evidence which were not inconsistent with the pleading already made. The order already passed is sustained and the revision petition is dismissed.

(K. KANNAN)
JUDGE

May 31, 2016
Pankaj*