

Civil Revision No.4771 of 2016

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.4771 of 2016
Date of Decision: July 28, 2016

Rajwant Singh Multani

...Petitioner

Versus

Mahender Singh & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Randeep Singh, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

Petitioner-plaintiff is aggrieved of the impugned order dated 20.7.2016, whereby the application filed under Order 6 Rule 17 CPC seeking amendment of the plaint by incorporating the telephone number with regard to the conversation having been held and for giving consent regarding the terms and conditions of the agreement to sell dated 1.11.2012, has been dismissed by the Court below.

Mr.Randeep Singh, learned counsel for the petitioner submits that the aforementioned factum is essential and necessary to be incorporated in the plaint for adjudication of the suit as readiness and

willingness is one of the ingredients in proving the case. In the written statement, the defendants have denied the execution of the agreement to sell and, thus, urges this Court for setting-aside of the impugned order.

I have heard the learned counsel for the petitioner and appraised the paper book.

The law of amendment as per Order 6 Rule 17 CPC is no longer *res integra* and has to be concise and elaborate. The petitioner would be at liberty to prove the same by leading evidence in this regard but not by way of seeking amendment as noticed above, particularly when the conversation allegedly held on the telephone number, sought to be incorporated by way of amendment, had not been recorded.

No ground for interference is made out.

Revision petition stands dismissed.

July 28, 2016
ramesh

(AMIT RAWAL)
JUDGE