

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

C.R. No.580 of 2016

Date of Decision.29.01.2016

Mukesh Kuma Sharma

.....Petitioner

Vs.

Jai Kishan Sharma

.....Respondent

Present: Mr. Namit Gautam, Advocate
for the petitioner.

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 is aggrieved that the plaintiff has brought some new facts in the proof affidavit of what was not stated in the plaint. The defendant has, therefore, moved an application to eschew all the matters which were not stated in the plaint. The court has not allowed for the excision in the manner sought for.

2. I will find no reason for intervention, for the issue whether it was essential fact to be stated in the plaint or it was merely a matter of evidence has to be tested in the light of Order 6 Rule 2 CPC. If according to the defendant the additional facts are essentially matters of pleadings, it is open to him to point out to those facts and elicit from the evidence of the plaintiff in the cross-examination that they were not part of the pleadings and therefore, the matters pleaded now through affidavit are an afterthought. If they are matters of evidence and justifiably not stated already, the Court will make an appropriate

inference at the relevant time when the judgment is pronounced. Right now, it will be pre-judging the matter of what should be the consequence of the plaintiff making some reference to the facts which are not there already in the plaint.

3. I will not no intervention with the order passed in the revision petition. The revision petition is dismissed but with the above observations.

(K. KANNAN)
JUDGE

January 29, 2016
Pankaj*