

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

C.R. No.958 of 2016 (O&M)
Date of Decision.09.02.2016

Balbir Singh

.....Petitioner

Vs.

Smt. Bharpai

.....Respondent

Present: Mr. Jitender Nara, 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. There is no need for making an intervention in situation where the plaintiff cannot come by any harm by the amendment being allowed. He wanted to bring an amendment incorporating a recital in the agreement that stipulated that the vendor will provide for two karams as the passage to reach to the property. This is a term of the document and if a decree were to be passed for execution of sale, it will follow the recitals in the agreement and secure to the plaintiff the benefit which the agreement provides. There is no need for bringing an express recital in the plaint, for it is merely a matter of evidence and which is a recital in the agreement itself. If the trial court has not allowed the amendment, I do not think that the plaintiff will still be prejudiced to canvass the correctness of the decision before this Court. The matter of evidence are not required to be pleaded as per Order 6 Rule 2 CPC and in spite of the order of dismissal, the plaintiff will be permitted

to give evidence of the recital in the agreement expressly stipulating a passage to be provided for the plaintiff. If such an evidence is given, the defendant shall not cause any objection since it is a term of recital of the agreement.

2. The revision petition is disposed of with the above observations.

(K. KANNAN)
JUDGE

February 09, 2016
Pankaj*