

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

CR No.2905 of 2014
Date of decision :10.10.2017

Sanjiv Yadav and others

...Petitioners

Versus

Arvind Yadav and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Dinesh Arora, Advocate
for the petitioners.

ANIL KSHETARPAL, J. (Oral)

Plaintiffs-petitioners are in revision petition against the order passed by the trial Court dismissing the application under Order 6, Rule 17 CPC seeking amendment of the plaint. The suit was instituted on 24.04.2007. The application was filed on 29.10.2013, which was dismissed by the Court on 30.01.2014.

I have gone through the application. Most of the assertions sought to be incorporated by way of amendment are in the nature of evidence because it is in elaboration of the existing pleadings. Order 6, Rule 2 CPC clearly provides that the pleadings have to be concise and specific. Evidence is not required to be pleaded.

Plaintiffs had filed a suit for partition of the property as well as for permanent injunction. Even by amendment, the plaintiffs are saying the same thing but in a more elaborated manner.

In my opinion, such elaboration in the pleadings is not required.

Learned counsel for the petitioners has further submitted that

property. The plaintiffs now wants to incorporate the relief of rendition of accounts. It is always permissible for the Court, in the facts and circumstances of the case, to mould the relief.

In such circumstances, particularly keeping in view the fact that the suit was filed on 24.04.2007, this Court does not find any good ground to interfere with the order passed by the Court. However, the Court while passing the final judgment would keep in mind the observations made by this Court while disposing the revision petition.

Hence, this revision petition is disposed of.

10.10.2017

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(ANIL KSHETARPAL)

JUDGE

Whether Speaking/Reasoned: Yes

Whether Reportable : No