

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

126

CR No.3013 of 2017
Date of decision :27.10.2017

Chanchal Mantrao

...Petitioner

Versus

Rakesh Kumar Mantaro

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanyam Malhotra, Advocate
for the petitioner.

Mr. Anand Kumar Bishnoi, Advocate
for the respondent.

ANIL KSHETARPAL, J. (Oral)

Defendant-petitioner is in revision petition against order dismissing an application for permission to amend the written statement.

Learned trial Court has dismissed the application on the ground that the facts sought to be now added pertain to the events, which happened in the years 1982-1986 and 2004-2005, whereas the written statement was filed in the year 2015. Thus, the Court has concluded that these facts were in the knowledge of the defendant and there is no explanation why these facts were not incorporated in the written statement.

Still further, as per proviso to Order 6 Rule 17 CPC, amendment in the pleadings cannot be allowed after the commencement of the trial unless party seeking amendment establishes before the Court that despite due diligence such facts could not be pleaded earlier. In this case, defendant-petitioner has failed to satisfy the Court about such requirement.

Learned counsel for the petitioner has vehemently argued that

the facts are only elaboration of earlier pleadings. He submits that the defendant only wants to elaborate the existing pleadings.

I have considered the submission of learned counsel.

As per Order 6 Rule 2 CPC, the pleadings have to be concise. Evidence is not required to be pleaded. Elaboration of the facts is not required by amendment of the pleadings.

Taking into consideration the order passed by the learned Additional District Judge and the observations made above, this Court does not find any good ground to interfere with the impugned order passed by the trial Court.

Hence, this revision petition is dismissed.

27.10.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes
Whether Reportable : No