

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

CR No.5269 of 2017 (O&M)
Date of decision : 10.08.2017

Harmail Singh

...Petitioner

Versus

Gurmeet Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.S. Gurna, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff is in revision petition against the order dated 11.07.2017 passed by the Civil Judge (Junior Division), Nabha, dismissing the application filed under Order 6 Rule 17 CPC.

The plaintiff had filed a suit for damages on account of malicious prosecution. The plaintiff had given various instances where false complaints were made against the plaintiff and ultimately no truth was found. The plaintiff had filed the suit on 23.10.2015. After framing of the issues, the plaintiff concluded its evidence. Thereafter, the plaintiff filed an application seeking amendment to the plaint by asserting that during the pendency of the suit, two more complaints were filed by the defendant which have been found to be false.

The plaintiff has filed a suit for damages on account of malicious prosecution. As per Order 6 Rule 2 CPC, the plaintiff has only to

give in a concise form material facts on which the parties relies upon. Even now the plaintiff is claiming that on account of these two complaints, further cause of action has arisen in his favour for malicious prosecution. The plaintiff is always at liberty to lead evidence and prove that even during the pendency of the suit, the malicious prosecution continues.

With these observations, the revision petition is disposed of.

The plaintiff would be granted liberty to lead evidence on these instances also and it shall not be treated as beyond pleadings.

10.08.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No