

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

CR No.8094 of 2017

Date of decision : 20.11.2017

Gurcharan Singh

...Petitioner

Versus

Harpal Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vijay Sharma, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

The defendant-petitioner is in revision petition against the order dated 14.07.2017 passed by the trial Court dismissing the application seeking permission to amend the written statement.

Learned trial Court has noticed that a detailed written statement was filed and through the present application, the defendant-petitioner is only wanting to elaborate, what has already been stated in the written statement.

Learned counsel for the petitioner has submitted that the existence of three residential houses has not been pleaded and the petitioner would not be permitted to lead evidence as such evidence would be beyond pleadings.

I have considered the submission of the learned counsel for the petitioner.

In the present case, the trial has started and the defendant has already filed a detailed written statement denying the execution of the agreement to sell.

It is well settled that as per Order 6 Rule 2 CPC, the pleadings have to be concise and restricted to the facts only. The evidence is not required to be pleaded in the pleadings.

Taking into consideration the fact that the trial has already started, this Court does not find any ground to interfere with the impugned order passed by the trial Court. However, the defendant-petitioner would be permitted to lead evidence about the existence of the residential houses and that evidence shall not be treated as beyond pleadings.

With these observations, the present revision petition is disposed of.

20.11.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No