

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

CR No.1793 of 2018
Date of decision : 23.03.2018

Govind (since deceased) through his LRs and others

...Petitioners

Versus

Goverdhan Ram and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Abhimanyu Singh, Advocate for the petitioners.

ANIL KSHETARPAL, J. (ORAL)

Defendant Nos.1 to 4-petitioners are in the revision petition against the order passed by the learned trial Court, dismissing an application filed under Order 6 Rule 17 CPC. The Court has given two following reasons while dismissing the application:-

1. The trial has already started and as per the proviso of Order 6 Rule 17 CPC, the application for amendment can only be entertained after the party prima facie proves that despite due diligence, such assertions could not be pleaded previously.
2. The Court has also noticed that the plaintiff and defendant Nos.1 to 4 are the family members and this application has been filed at the behest of the plaintiff.

The defendants are now trying to introduce a new case. The Court has drawn the inference that the application for amendment is only to

strengthen the case of the plaintiff.

Learned counsel for the petitioners has vehemently argued that the defendants-petitioners only want to elaborate on already filed written statement. He submitted that while filing the written statement, elaborate pleadings were not incorporated and, therefore, the application for amendment was moved.

Order 6 Rule 2 CPC provides that the pleadings have to be in concise form. The evidence is not required to be pleaded. Once, the defendants-petitioners have already filed written statement giving facts, no further elaboration is required.

Still further as noticed above, the learned trial Court has found that the application filed by the petitioners is not bona fide.

In view thereof, there is no scope for interference.

Revision petition is dismissed.

23.03.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No