

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No.2341 of 2021 (O&M)
Date of decision:26.10.2021.

Dilbag Singh and another

...Petitioners

Versus

Angrej Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashish Aggarwal, Advocate,
for the petitioners.

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Plaintiff no.3 and 26 have filed this revision petition under Article 227 of the Constitution of India while assailing the correctness of an order passed by the learned Civil Judge (Junior Division), Ajnala, on 17.09.2021.

The plaintiff's application for permission to amend the plaint at the stage of rebuttal and final arguments has been dismissed by the trial Court through the impugned order.

The plaintiffs have filed a suit for declaration that they are joint owners in possession with defendant no.5 to 60. When the trial of the case was at the fag end, the plaintiffs filed an application for permission to amend the plaint in order to aver that the plaintiffs are the nearest collaterals of Harnam Singh and Thakar Singh. The learned trial Court dismissed the

application keeping in view the fact that the case is now at the stage of final arguments.

The learned counsel representing the petitioners contends that the petitioners do not wish to lead any evidence as the evidence to that effect has already been led. He, hence, contends that the formal amendment should be permitted.

This court has considered the submissions, however, find no substance.

The plaintiffs have claimed their entitlement to the property by filing a suit. As per Order 6 Rule 2 CPC, every pleading shall contain and contain only a statement in a concise form of the material facts on which the party pleading relies for his claim or defence. The evidence is not required to be pleaded. The plaintiffs have already made necessary assertions with respect to entitlement in the suit.

Keeping in view the aforesaid facts, the revision petition is disposed of with the observation that the correctness of the plea of the petitioners shall be examined by the Court, if the evidence in support thereof has already been led. The learned trial Court shall not decline to go into the aforesaid issue only for the lack of pleadings.

All the pending miscellaneous applications, if any, are also disposed of.

October 26, 2021
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No