

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

CR-1774-2018 (O&M)

Date of decision: 07.07.2022

Jarnail Singh

....Petitioner

Versus

Rekha and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Himanshu Sharma, Advocate for the petitioner
 Mr. Gaurav Vir Singh Behl, Advocate for
 Mr. S.S.Behl, Advocate for the respondents

ANIL KSHETARPAL, J (Oral)

An application filed by the plaintiff to permit the amendment of the plaint has been dismissed by the trial court. The plaintiff while filing the suit has claimed that the sale deed no. 4342 dated 8th November, 2013, alleged to be executed by the plaintiff through Sh. Sanjeev Kumar, his attorney, in favour of defendant is wrong, illegal, void and a sham transaction. It has been pleaded that the aforesaid sale deed has been executed by playing fraud, misrepresentation and concealment of facts, apart from being executed without consideration. In para 5 of the aforesaid, it has been asserted that Sh.Sanjeev Kumar has misused the power of attorney in order to transfer the property in favour of his wife as well as wife of his friend-Ashwani Kumar.

Pending the suit, the plaintiff filed an application claiming that he never executed the power of attorney in favour of Sh. Sanjeev Kumar and in fact, the plaintiff and his wife executed a joint power of attorney in favour of Sh.Ashwini Kumar and Sh.Sanjeev Kumar, which

was subsequently cancelled. The trial court has dismissed the application on the ground that the trial has commenced.

Heard learned counsel representing the parties at length and with their able assistance perused the paper book.

Order 6 Rule 2 reads as under:-

“2. Pleading to state material facts and not evidence.- (1) 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, as the case may be, but not the evidence by which they are to be proved.

(2) Every pleading shall, when necessary, be divided into paragraphs, numbered consecutively, each allegation being, so far as is convenient, contained in a separate paragraph.

(3) Dates, sums and numbers shall be expressed in a pleading in figures as well as in words.”

The plaintiff has already asserted the material facts while seeking the relief of declaration. The evidence is not required to be pleaded. It is specifically provided that the material facts have to be stated in a concise form. The plaintiff, in order to prove those material facts, can lead evidence at the relevant stage. In view thereof, no ground to interfere is made out.

Hence, dismissed.

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

07.07.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE