

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 2406 of 2017

Date of Decision: 27.09.2022

Tejinder Singh

... Petitioner(s)

Versus

Suresh Kumar and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Liaqat Ali, Advocate
for the petitioner(s).

Mr. Manvender Singh Dalal, Advocate
for the respondent No.1.

Anil Kshetarpal, J.

1. An application filed by the petitioner (defendant No.4) for permission to amend the written statement has been dismissed by the trial Court, prompting the petitioner to file the present revision petition.

2. There is an alleged agreement to sell dated 04.09.2009. The petitioner while filing the original written statement has already taken a stand that the aforesaid agreement is forged and fabricated. While filing the application for permission to amend, the petitioner wants to add the following in the written statement:-

“On coming to know about the present case, the defendant no.4 appeared and then made enquiries about the present case then ultimately came to know that the plaintiff in connivance with other defendants except the defendant no.4, played fraud by

forging and fabrication of agreement to sell dated 4/9/2009. The defendant no.4 on coming to know about the fraud played by the plaintiff in connivance with defendants except the defendant no.4, the defendant no.4 moved written complaints dated 17/5/2011, complaint dated 10/1/2012 and thereafter the defendant no.4 moved complaint dated 2/8/2014. The defendant no.4 approached the Police Authorities for registration of criminal case u/s 420, 467, 468, 471, 120-B IPC against plaintiff and his associates Davinder Singh, Kulwinder Singh, Ranjit Singh, Surinder Kaur, Parminder Kaur, Major Singh, Surinder Singh and their associates but due to the influence of the plaintiff and his associates, no action has been taken against them and ultimately the defendant no.4 approached The Chairman, Punjab State Human Rights Commission, Chandigarh as well as The Chief Minister of Punjab, Chandigarh, The Governor of Punjab, Chandigarh, Deputy Inspector General of Police, Ludhiana Range, Ludhiana and Police Commissioner, Ludhiana for redressal of his grievances. Copies of the said complaints are attached herewith for kind perusal of this Hon'ble Court."

3. The trial Court has dismissed the application on the ground that the petitioner has already asserted that the aforesaid agreement is forged and fabricated.

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

5. The learned counsel representing the petitioner contends that it is necessary to amend the written statement in order to explain, elaborate and supply the complete particulars of forgery.

6. From the reading of the proposed plea, which is sought to be incorporated by amendment, it is evident that the petitioner wants to incorporate the evidence in his pleadings, which is not required as per the basic procedural law. As per Order VI Rule 2 of the code of Civil Procedure, 1908, the pleadings are required to be confined to material facts and that also in a concise form. The evidence proposed to be led, in support of the plea, is not required to be pleaded.

7. In view of the above, no ground is made out to interfere with the order passed by the trial Court. Hence, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

September 27, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No