

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

107

**CR-6298 of 2018(O&M)
Date of Order: 01.06.2022**

Ramesh Aggarwal

..Petitioner

Versus

Murli Manohar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Rupinder K. Thind, Advocate, for the petitioner.
Mr. Jasneet Mehra, Advocate, for respondent no.6,7 and 8.

ANIL KSHETARPAL, J(Oral)

The plaintiff in a suit for grant of mandatory injunction is the petitioner herein. He assails the correctness of the interlocutory order passed on 04.09.2018, through which two applications filed by him seeking permission to amend the plaint as well as reply to the counter claim have been dismissed.

This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

The learned counsel has produced a photocopy of the original plaint filed by the petitioner. In para 1 of the plaint, the plaintiffs claims that he is the owner and in possession of a residential property specified in the caption of the plaint and the petitioner herein is co-owner in possession and also running a shop, part and parcel of the property as a tenant. In para 4, the plaintiff claims that the suit property was purchased by the plaintiff with his own funds in his own name and the property is self acquired. Whereas the defendants have nothing to do with the ownership of the property. The issues were framed on 02.11.2016 and thereafter the plaintiff was given as many as 5 opportunities to lead evidence. At that stage, he filed two

applications as already noticed. From the reading of the order, it is evident that the plaintiff by way of an amendment, wants to assert that he purchased the property in the name of firm M/s Ramesh Kumar Ashok Kumar through Ramesh Kumar and the property is a self acquired property.

In the considered opinion of the Court, such facts are required to be proved by leading sufficient evidence. The plaintiff already claims that in para 3 of the plaint that he is owner of the property having purchased it by spending funds from his pocket and the defendants have nothing to do with the same. Order 6 Rule 2 CPC provides that in the pleadings, the basic facts, that also in a concise form are required to be asserted and there is no requirement to incorporate the facts which are sought to be lead as evidence to prove those asserted facts. Pleadings shall be in a concise form, they should state facts not law and evidence.

In view thereof, the amendment sought is neither necessary nor proper.

In view therefore, the revision petition is disposed of.

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

June 01, 2022

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**(ANIL KSHETARPAL)
JUDGE**

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