

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 8130 of 2018 (O&M)

Date of Decision: 13.09.2022

M/s Harpal Singh Gurjant Singh Commission Agents

... Petitioner(s)

Versus

Karamjit Kaur and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Tajinder Pal Singh Makkar, Advocate
for the petitioner(s).

Mrs. Sudeepti Sharma and Ms. Mehak Kanwar, Advocates
for the respondents.

Anil Kshetarpal, J.

1. The correctness of an interlocutory order passed by the trial Court, while dismissing the application for permission to amend the plaint, has been challenged before this Court.

2. The petitioner is a Commission Agent, whereas the respondents are the widow and son of late Sh. Sukhdev Singh (a farmer who has died). The plaintiff has filed a suit for recovery of ₹17,00,000/- claiming that late Sh.Sukhdev Singh used to borrow money from the plaintiff firm. The suit was filed on 23.02.2017. After the filing of a written statement by the defendants as well as replication filed by the plaintiff, the trial Court, after culling out the issues, has permitted the parties to lead evidence. After leading some evidence, the plaintiff has filed an application under Order VI Rule 17 of the Code of Civil Procedure, 1908 (hereinafter referred to as

“OPC”), for permission to amend the plaint in order to allege that though the

accounts, at one point of time, were settled, however, late Sh.Sukhdev Singh had, subsequently, borrowed another loan.

3. From the reading of the plaint, it is evident that the plaintiff has filed a suit for recovery of the amount on the basis of books of account. In the originally filed plaint, it has been asserted in para 3 that at one stage, the accounts were settled and there was confirmation of balance amount.

4. The plaintiff now wants to elaborate the aforesaid assertions. As per Order VI Rule 2 CPC, the pleadings are required to be confined to the material facts and that also in a concise form. The evidence is not required to be made a part of the pleadings. The trial Court has exercised its discretion.

5. In view of the above, no ground is made out to interfere. Hence, the present revision petition is dismissed.

6. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

September 13, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No