

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-2168 of 2019 (O&M)
Date of decision: 28.10.2022

M/s Vijayta Garments and another

..Petitioners

Versus

M/s N.B. Fabrics and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Shehbaz Thind, Advocate, for the petitioners.
Mr. Atul Goyal, Advocate, for the respondents.

ANIL KSHETARPAL, J(Oral)

The plaintiffs' application for permission to amend the plaint in order to incorporate the facts with regard to a summoning order passed in a criminal complaint against the defendant has been dismissed. The plaintiff has filed a suit for recovery of Rs.1,31,127/- with a consequential relief of mandatory injunction directing the defendants to return the alleged security cheque. The trial court has found that such facts as sought to be added by the amendment are not relevant to the controversy involved in the present suit. Challenging the correctness of the such order, the present revision petition has been filed.

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

The learned counsel representing the petitioners submits that the order of summoning in a criminal complaint is a subsequent event which should have been allowed to be made part of the pleadings.

This court has considered the said submission.

As per Order VI Rule 2 CPC, the pleadings are required to be

restricted to the material facts and that also in a concise form. It is specifically provided that the evidence is not required to be made part of the pleadings.

As already noticed, the plaintiffs claim decree for recovery of money and return of security cheque. In such circumstances, the order summoning the defendant in a private criminal complaint has no relevance.

Hence, no ground to interfere is made out.

Dismissed.

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

October 28, 2022

nt

(ANIL KSHETARPAL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>