

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-6560 of 2019 (O&M)
Date of decision: 16.11.2022

Angrej Singh

..Petitioner

Versus

Surjit Kaur

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jimmy Singla, Advocate
for the petitioner.

Mr. Avtar Singh Syan, Advocate
for the respondent.

ANIL KSHETARPAL, J(Oral)

An application filed by the petitioner (the plaintiff in a suit for possession by way of specific performance of the agreement to sell), for permission to amend the plaint has been dismissed by the trial Court. The proposed amendment reads as under:-

“After the receipt of cheque of Rs.2,00,000/-, the defendant represented that she is not aware of the technicalities to encash the cheque and she does not have any Bank account, so on 28.1.2015 the plaintiff paid a sum of Rs.2,00,000/- to the defendant in cash and the defendant cancelled the cheque, but the plaintiff did not demand the return of the cheque and the same remained with her and after the receipt of Rs.2,00,000/- in cash from the plaintiff, the defendant deposited Rs.2,60,000/- in the Dudhan Sadhan Primary Cooperative Agricultural Development Bank Limited, Devigarh, out of which

Rs.2,00,000/- were paid by the plaintiff to the defendant and Rs.60,000/- were contributed by the defendant herself.”

While filing the suit, the petitioner has stated the material facts which may be required for filing a suit for specific performance of the agreement to sell. The proposed amendment is only explaining the manner in which the payment was made.

In the considered view of the Court, such facts are not required to be incorporated in the pleadings. As per Order VI Rule 2 CPC, the pleadings are required to be restricted to the material facts in a concise form. It is specifically provided that the evidence is not required to be made a part of the pleadings. The learned counsel representing the respondent does not dispute this position.

Keeping in view the aforesaid facts, the revision petition is disposed of while observing that the petitioner shall be entitled to lead and prove the evidence on the facts which are sought to be incorporated in the pleadings.

Disposed of accordingly.

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

November 16, 2022

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(ANIL KSHETARPAL)
JUDGE

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