

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

140

2023:PHHC:107410

CR-4069-2019 (O&M)
Date of decision: 18.08.2023

NEETA

..Petitioner

Versus

HEM RAJ SINGH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. M.S. Sachdev, Advocate
for the petitioner.

Mr. Anurag Singh Tagra, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

1. The petitioner herein is the defendant in a pending suit for grant of decree of declaration to the effect that the plaintiff is the owner of Hyundai Creta car. The present dispute is between a married couple. The petitioner while defending the suit filed a detailed written statement. When the case was at the stage of the defendant's evidence, an application under Order VI Rule 17 of the Code of Civil Procedure, 1908, for permission to amend the written statement was filed, which has been dismissed by the trial Court.

2. The proposed amendment reads as under:-

“That in the alternative, in case the plaintiff is able to prove that he has given money for the purpose of purchasing the car as a gift to the defendant, then as per provisions of section 14 of the Hindu Succession Act, the said car is the exclusive ownership of the defendant and shall be held to be Stridhan given to the defendant by the plaintiff at the time of marriage. Hence, on this score also, this suit is liable to be dismissed.”

3. It is evident that such plea is a matter of arguments and hence as per Order VI Rule 2 of the Code of Civil Procedure, 1908, the pleadings shall only state only the concise form of material facts and not evidence.

- 4. Hence, no ground to interfere is made out.
- 5. Dismissed.
- 6. All the pending miscellaneous applications, if any, are also disposed of.

August 18th, 2023
Ay

(ANIL KSHETARPAL)
JUDGE

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