



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.1248 of 2022 (O&M)

Date of Order:07.05.2024

Hamir Singh

.Petitioner

Versus

Jasvir Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Siddharth Gupta, Advocate
for the petitioner.

Mr. Jasjeet Singh Virk, Advocate
for the respondent.

ANIL KSHETARPAL, J

1. Through this revision petition, the defendant assails the correctness of the interlocutory order passed by the trial court while refusing to permit him to amend the written statement.

2. The plaintiff has filed a suit for recovery of Rs.2,06,550/-, on the basis of a pronote and a receipt allegedly executed by the defendant. While contesting the suit, the defendant denied the execution of the pronote and receipt. It was alleged that he has not appended his signatures on the aforesaid documents. During the pendency of the suit, the defendant filed an application for permission to amend the written statement in order to aver that he had executed the pronote and receipt in favour of brother of the plaintiff and the amount was returned to him during his life time.

3. This court has considered the submissions of the learned counsel representing the parties.

4. As per Order 6 Rule 2 of the Code of Civil Procedure, 1908, the



pleadings of the parties are required to be restricted to the facts in the concise form. The evidence is not required to be made part of the assertions either in the plaint or in the written statement. The plea sought to be taken by the petitioner is in the nature of evidence which the defendants will prove by leading evidence.

5. Moreover, now the defendant wants to entirely change his stand. Previously he has stated that he never borrowed any amount from the plaintiff nor signed the pronote and the receipt. It was alleged that the pronote and receipt are fake, forged and false documents. Whereas, in the proposed amendment, the petitioner alleges that he did execute a pronote and a receipt in favour of the plaintiff's brother.

7. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

8. Dismissed.

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

May 07, 2024
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO