

**CR-173-2025(O&M)****127 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CR-173-2025(O&M)
Date of decision: 15.01.2025****Ved Kumari and others****..Petitioners****Versus****Dharampal****..Respondent****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL****Present: Mr.Tarun Hans, Advocate for the petitioners****ANIL KSHETARPAL, J. (Oral)**

The petitioners herein are the defendants in a pending suit for the grant of decree of declaration to the effect that the plaintiff is exclusively entitled to compensation of the land measuring 3 kanals 14 marlas, which is half share of the land measuring 7 kanals 9 marlas, which has been acquired by the State of Haryana for the purpose of development and utilization of commercial and residential Sectors 3, 5 and 6 of Hansi. When the suit was fixed for the evidence of the plaintiff, two affidavits of PW1 and PW2 were filed in lieu of the examination in chief. At that stage, the defendants filed an application for deleting the portion in the evidentiary evidence, which is beyond the pleadings. In substance, the defendants claim that the plaintiffs have not specifically pleaded that there was a receipt of Rs.15,00,000/-. Hence, the same could not have been led in evidence.

The trial court has found that the plaintiff, while filing the suit, had asserted that defendant no.1 to 7 entered into an agreement to sell in his favour on 14.07.2005 for a total sale consideration of Rs.15,00,000/- which



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was received by the defendants in entirety. Thus, the court has held that at this stage there is no scope for deleting a particular portion of the evidentiary affidavit.

Learned counsel representing the petitioners contends that the receipt has not been made part of the pleadings and therefore, it cannot be read in evidence.

This Court has considered the submissions made by the learned counsel representing the petitioners

In the opinion of this Court at this stage, it would not be appropriate to record any final finding.

This objection can be considered by the trial court while finally deciding the suit.

With these observations, the revision petition stands disposed of.

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

(ANIL KSHETARPAL)
JUDGE

15.01.2025
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No