



CR-858-2025

1

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

Sr. No.133

CR-858-2025

Date of decision : 10.02.2025

Harcharan Singh

..... Petitioner

VERSUS

Kamla Kaur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Shehbaz Thind, Advocate, for the petitioner.

ANIL KSHETARPAL, J. (Oral)

1. Plaintiff/petitioner filed Civil Suit No.5278-2015 for grant of decree of declaration that he is owner in exclusive possession of land measuring 5 Kanals 14 Marlas and 7.20 Sirsai and power of attorney executed by him in favour of defendant No.2 and the sale deed executed on 4th September, 2015, on the basis of aforesaid power of attorney is illegal null and void with a consequential relief of permanent injunction.
2. The plaintiff has filed application for permission to amend the suit so as to incorporate the following :

“7A. That the defendants in connivance with each other played fraud with the plaintiff by forging and fabrication of documents regarding the property of the plaintiff. With regard to said fraud and fabrication of documents, the plaintiff approached the Commissioner of Police Ludhiana by moving a written complaint which was registered in the office of Commissioner of Police, Ludhiana vide UID No.886770 dt.05.02.2016. During the pendency of inquiry on the said complaint, the defendants approached the plaintiff for entering into compromise with the plaintiff. The plaintiff came under the misrepresentation of the defendants and given statement before the SHO P.S. Meharban



Ludhiana by dropping the proceedings of inquiry on the said complaint due to offer of compromise given by the defendants. On the basis of said statement of the plaintiff, the inquiry officer dropped the proceedings of the said complaint. The complete file of said complaint taken under RTI by the plaintiff is attached herewith. After dropping of the proceedings of said complaint, the defendants have not come forward to enter into compromise with the plaintiff as agreed by them. As the plaintiff has given statement that if the defendants not fulfill the terms of compromise then the plaintiff will move fresh complaint against the defendants. As the defendants not come forward for fulfill the terms of compromise then the plaintiff has moved another complaint to the Commissioner of Police Ludhiana against the defendants and in said complaint, the inquiry officer got recorded the statement of the plaintiff which was given by the plaintiff in Hindi Language as the plaintiff only knows Hindi language. Copy of the complaint and statement of the plaintiff are attached herewith for kind perusal by this Hon'ble Court".

3. The trial Court dismissed the application.
4. Heard learned counsel representing the petitioner at length and with his able assistance perused the paper book.
5. Learned counsel representing the petitioner contends that the plaintiff may not be debarred from leading the evidence to prove the aforesaid averments. This Court has considered the submissions as per order VI Rule 2 of the CPC. The pleadings of the parties are required to be limited to the necessary facts and not the evidence. The plaintiff has already alleged that power of attorney dated 08.04.2015 was on account of misrepresentation and fraud played upon him. He has already sought declaration that the power of attorney dated 08.04.2015 is illegal, null and void and was result of fraud and misrepresentation.



CR-858-2025

3

6. Keeping in view the aforesaid facts, this Court does not find it appropriate to interfere with the impugned order particularly in view of the Order VI Rule 2 CPC and the present revision petition is dismissed.

(ANIL KSHETARPAL)
JUDGE

10.02.2025

anil

Whether speaking / reasoned Yes/No

Whether Reportable Yes/No