

---

**(1994) 12 P&H CK 0024**  
**In the Punjab And Haryana At Chandigarh**  
**Case No : Civil Revision No. 1750 of 1991**

|                                              |            |
|----------------------------------------------|------------|
| Mrs. Minni Keer alias Mohinder Kaur          | APPELLANT  |
| Vs                                           |            |
| Lt. Gen. Charan Jit Singh (Retd.) and Others | RESPONDENT |

---

**Date of Decision :** 16-12-1994

**Acts Referred:**

Civil Procedure Code, 1908 (CPC) — Order 6 Rule 16

**Citation :** (1995) 109 PLR 699

**Hon'ble Judges :** G.C. Garg, J

**Bench :** Single Bench

**Advocate :** J.C. Batra and D.S. Keer, for the Appellant; Raman Mahajan and Naresh Kumar Mahajan, for the Respondent

**Final Decision :** Allowed

---

## Judgement

G.C. Garg, J.—This revision is directed against the order dated May 3, 1991 passed by Sub Judge 1st Class, Chandigarh dismissing the petitioner's application under Order 6 Rule 16 read with Section 151 of the Code of Civil Procedure.

2. Parties to this litigation are brothers and sisters. The dispute in the main is about the estate left behind by Basant Kaur, their mother.

3. Plaintiff Charanjit Singh and four others filed a suit for declaration to the effect that they are the owners to the extent of 1/7th share each in House No. 110, Sector 10-A, Chandigarh, owned by Basant Kaur, being sons and daughters. They also prayed for permanent injunction restraining defendant No. 2 from selling and alienating or creating charge in any manner. They also prayed for certain other reliefs as fully detailed in the suit. Defendant No. 1 who was served with a notice of the suit, moved an application under Order 6, Rule 16 read with Section 151 of the CPC for deletion and amendment of unnecessary, scandalous, frivolous or vexatious, prejudicial and embarrassing portions, passages, sentences and words from the plaint, details whereof had been mentioned in the

application. Plaintiffs filed reply thereto and pressed the prayer made. Trial Court by order dated May 3, 1991 dismissed the application by observing "the plaintiffs have narrated the facts in the plaint which are relevant for the purpose of adjudication of the present case and it relates to the conduct of the parties. Hence, I am of the view that there is no substance in the application and the same stands dismissed." Aggrieved by this order, defendant No. 1 has filed the present revision.

4. Learned counsel for the petitioner read out various portions of the plaint appearing in paras 1, 2, 4, 5, 6 and 7. It was conceded that the Court can at any stage of the proceedings, order deletion of any portion of the pleadings which may be unnecessary, scandalous, frivolous or vexatious or which may tend to prejudice, embarrass or delay the fair trial of the suit of which is otherwise an abuse of the process of the Court. According to the learned counsel, the passages the deletion of which was sought by defendant No. 1, were wholly unnecessary, frivolous or vexatious and were only meant to prejudice the fair trial of the suit. Learned counsel for the plaintiff, on the other hand, contended that the passages objected to by defendant No. 1 were nothing but a narration of fact and no interference therewith was called for.

5. After hearing learned counsel for the parties, I am of the opinion that passages as appearing and objected to in paras 1 and 2 of the plaint cannot be said to be unnecessary, scandalous, frivolous or otherwise prejudicial to the fair trial of the suit. The averments appearing in the above two paras is a narration of facts and no exception thereto, in my view, can be taken by defendant No. 1. Thus, I see no ground to delete any portion from paras 1 and 2 of the plaint. As regards averments made in paras 4 to 7 of the plaint, a reading thereof clearly was to show that the averments therein are totally unnecessary for the trial what to talk of fair trial of the suit. Allegations made in these paras have nothing to do with the controversy raised in the suit, namely, the claim of share in the house in question. The allegations therein, either relate to some other property or some other dispute between the members of the family of the husband of defendant No. 1. Learned counsel for the respondents could not bring to my notice as to how any of the averments made in these paras were relevant for the disposal of the suit of were a narration of facts relating to the property in question. Thus, to me it appears that the averments made in paras 4 to 7 are totally unnecessary for the decision of the controversy raised in the suit and these averments if allowed to stand will delay in the fair trial of the suit. Even otherwise, during the course of hearing of this revision, learned counsel for the parties agree that the dispute relating to property bearing House No. 1150, Sector 8-C, Chandigarh amongst the members of the family of the husband of defendant No. 1 has already been resolved amicably.

6. For what has been observed above, this revision is allowed to the extent indicated above. Resultantly, application of defendant No. 1 stands allowed accordingly. The plaintiffs are, therefore, ordered to file amended plaint after

excluding the averments made in paras 4 to 7 of the earlier plaint. Shri Mahajan, learned counsel for the plaintiffs had undertaken to file the amended plaint in the trial court on or before February 6, 1995, a date for which the parties through their counsel have been directed to appear there. While filing the amended plaint, the plaintiffs shall supply a copy of the same to learned counsel for the defendants in the trial Court, i.e. J.C. Batra, who on behalf of the defendants has undertaken to file written statement to the amended plaint on or before February 28, 1995. The trial Court shall thereafter proceed with the trial of the suit in accordance with law. No costs.