

Raghubir Saran and Others Vs. Krishna Kumar

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Court : Allahabad

Decided On : Jul-05-1989

Reported in : AIR1990All14

Judge : D.S. Sinha, J.

Acts : [Code of Civil Procedure \(CPC\), 1908](#) - Order 6, Rule 5

Appeal No. : Civil Revn. No. 503 of 1983

Appellant : Raghubir Saran and Others

Respondent : Krishna Kumar

Advocate for Pet/Ap. : P.K. Singhal, Adv.

Judgement :

ORDER

1. The list has been revised. Nobody appears for the parties.

2. In Original Suit No. 36 of 1979, Chudhari Krishna Kumar v. Raghubir Saran, pending in the Court of Judge, Small Causes, Moradabad, the applicants, who figure as defendants, raised a plea to the effect that the suit was wrongly valued. They further asserted that the value given in Schedule Ka had been wrongly given. And that the real price given by plaintiff was much less, It was also the plea of the applicants that the value of the property shown by the plaintiff was more than the

marked value. In support of the pleadings the applicants did not give any detail. By means of the order dated 25th August, 1982, impugned in the instant revision, the applicants have been called upon to give details.

3. Under R.5 of O.VI of the Code of Civil Procedure, 1908 Court can always, in all cases, order furnishing of a further and better statement of the nature of the claim or defence, or further and better particulars of any matter stated in any pleading.

4. Obviously, the pleadings, noticed earlier, lack precision. The Court below was, therefore, perfectly justified in requiring the applicants to give further details, and in doing so it did not commit any illegality or material irregularity in the exercise of its jurisdiction.

5. The revision has no force and is, therefore, dismissed but without any order as to costs. The interim order stands discharged.

6. Petition dismissed.

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