

CR No. 1768 of 2014(O&M)

Date of Decision: December 04, 2015

Jaswinder Kaur

...Petitioner

vs.

Kuldeep Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Satinder Khanna, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Advocate
for the respondent.

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Impugned order dated 20.01.2014 (annexure P-1) passed by learned Civil Judge(Jr. Divn.), Ludhiana vide which application of the plaintiff-petitioner filed under Order 6 Rule 17 and Order 1 Rule 10 read with Section 151 CPC for the amendment of the plaint was dismissed. It comes out that plaintiff had filed the suit for permanent injunction for permanently restraining the defendant from dispossessing the plaintiff except in due course of law on the ground

that he is in possession of the suit land.

During the course of evidence defendant led the evidence to prove that the lease in favour of the plaintiff has been cancelled by the Wakf Board. Now when the case is fixed for arguments the present application was moved to the effect that plaintiff wants to add Wakf Board as a party and also challenge the order cancelling the lease.

After hearing learned counsel for the parties I am of the considered view that the order of Wakf Board cancelling the lease constitutes separate cause of action. In the present case the only issue is as to whether the plaintiff is in possession of suit land or not. It being so, the amendment is nothing but mis-joinder of cause of action and same was rightly declined by the lower Court. However, the plaintiff shall be at liberty to challenge the said order of cancelling the lease by separate suit.

Accordingly, revision is dismissed.

December 04, 2015
rimpal

(KULDIP SINGH)
JUDGE