

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

Civil Revision No.2091 of 2014

Date of decision: 28.09.2015

Simranjit Singh

... Petitioner

versus

Rupinder Pal Singh @ Happy and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Chetan Bansal, Advocate,
for Mr. Sunil Chadha, Senior Advocate,
for the petitioner.

None for the respondents.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ?No.
3. Whether the judgment should be reported in the digest ? No.

K.Kannan, J. (Oral)

1. The counsel to whom notice was served reports that he has no instructions. The plaintiff has taken notice to the address given in the plaint. If he has left to foreign country without instructions to the counsel, the plaintiff cannot secure any better information than what is contended in the plaint when he is set ex parte.

2. I have gone through the order. The plea by way of amendment was to contend that he had prescribed title to the property by adverse possession. It is purely a legal plea based on

facts as pleaded by the defendant already. Since the amendment has been filed subsequent to the commencement of the trial, I impose a cost of ₹ 10,000/- on the petitioner as a condition precedent for allowing the defendant and direct the amount to be paid to the plaintiff within a period of 4 weeks from the date of this order. If the amount is not paid, the order already passed shall stand restored. If the amount is paid, the defendant shall be permitted to amend the written statement in the manner sought for through the application and the plaintiff will have a right of rebuttal and will also have right of rejoinder. The court shall frame an additional issue as regards adverse possession as claimed and proceed to take up the case with the other issues.

3. The impugned order is set aside and the revision petition is allowed on the above terms.

(K.KANNAN)
JUDGE

28.09.2015
sanjeev