

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.2477 of 2015 (O&M)

Date of Decision.15.05.2015

Surjit Das

.....Petitioner

Versus

Mahant Parkash Chand and others

.....Respondents

Present: Mr. Ashok Singla, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers 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?

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K. KANNAN J. (ORAL)

1. I do not think that there is any scope for interference for amendment to the plaint that has been ordered to include a prayer at the instance of the plaintiff that a decree obtained against him at the instance of the State is not valid. Any objection regarding the tenability of such claim in the suit could always be urged by the defendant and I do not think that there could be any serious objection about the fact that the amendment has been ordered. If in the plaintiff's perception, the amendment would make the suit more comprehensive and address the objection taken by the present petitioner in the suit that in a contest between the State and the plaintiff, the petitioner's status has been upheld and he cannot, therefore, maintain the suit, plaintiff is literally trying to avoid a multiplicity of proceedings by bringing such an amendment. The tenability of such a relief for suit cannot be adjudged at the stage of consideration of the application for amendment.

2. The counsel says that the petitioner has actually filed an application under Order 7 Rule 11 CPC for rejecting the plaint for seeking for certain reliefs which are not tenable in law and which a Civil Court cannot grant without preferring an appeal against the decree already passed. It will be open for the petitioner to urge on any bar of law in the application under Order 7 Rule 11 CPC and the fact that the amendment application has been allowed will not be used by the plaintiff to contend that the application for rejection cannot be considered.

3. With these observations, the order passed already is maintained and the civil revision is disposed of.

(K. KANNAN)
JUDGE

May 15, 2015
Pankaj*