

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

C.R. No.2985 of 2015

Date of Decision.04.05.2015

Birji

.....Petitioner

Versus

Buddhi Ram

.....Respondent

Present: Mr. B.S. Tewatia, 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. The petitioner is the defendant who is aggrieved by the order of amendment made by the trial Court allowing the petitioner to contend that the defendant had encroached into an extent of 35 square yards. This amendment has been brought on the basis of a report of a revenue official who was directed to collect a report for the purpose of court fee. According to the learned counsel appearing on behalf of the petitioner, he has filed an objection to the report and without disposing of the objection to the report given by the revenue official, the plaintiff has been permitted to bring an amendment.

2. The objection taken by the petitioner before the Court below regarding the assessment made by the revenue court cannot literally decide on whether the plaintiff should bring an amendment or not. If the petitioner has brought an amendment on the basis of some materials which are available on the court record which in this case

relates to the report of the revenue official, the defendant may join issue on the amended plaint to contend that there has been no encroachment and bring forth every objection that he has taken to the report in his written statement or file additional written statement or amended written statement consequent on the petitioner being permitted to amend the paint. I find that there is no prejudice caused to the petitioner by allowing the amendment and I will not make any interference in that regard.

3. The revision petition is dismissed.

(K. KANNAN)
JUDGE

May 04, 2015
Pankaj*