

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 291 of 2014 (O/M)
Date of decision : 1.9.2015

Smt. Krishna Devi

..... Revisionist

Versus

Som Parkash and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Som Nath Saini, Advocate, for the revisionist.
Mr. Namit Khurana, Advocate, for respondents.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 29.11.2013 (Annexure-P-5), passed by the learned Civil Judge (Junior Division), Yamuna Nagar at Jagadhri, vide which the application of the plaintiff for amendment of the plaint, was dismissed.

The brief facts of the case are that the plaintiff has filed a suit for permanent injunction against the defendants for restraining them from interfering in her possession over the disputed plot.

The perusal of the interim order shows that after framing of the issues, the plaintiff availed several opportunities to lead

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evidence and thereafter, the present application was filed. By way of amendment, the plaintiff wants to plead that her father Ram Narain was put in possession of suit property allotted by custodian department for use and occupation at a monthly rent of Rs. 2/- in year 1947 and ever since the plaintiffs are occupying the same. Earlier in the plaint, it was pleaded that the suit property was allotted to the father of the plaintiff by the custodian department.

After going through the file carefully and after hearing the learned counsel for the parties, I am of the view that there is no illegality or infirmity in the impugned order. In the present case, the plaintiff is required to prove her possession, whatever may be the basis. It hardly matters that if the father of the plaintiff was in possession on account of allotment or on account of paying the rent to the custodian department. Therefore, at the first instance, the amendment is un-necessary to decide the real controversy between the parties. Secondly, the said facts were within the knowledge of the plaintiff earlier also. In this case, the trial has commenced and no amendment unless it is necessary to dispose of the controversy, can be allowed.

The present revision is accordingly dismissed.

(KULDIP SINGH)
JUDGE

1.9.2015
sjks