

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 5108 of 2015
Date of decision : August 12, 2015

Hari Ram

..... Petitioner

Versus

Ramesh Yadav

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. P. R. Yadav, Advocate
for the petitioner.

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?

Amit Rawal, J (oral).

The challenge in the present revision petition is to the impugned order dated 19.1.2015 (Annexure P-3) whereby application filed by the respondent-plaintiff seeking amendment of the plaint for changing the suit for permanent injunction to the suit for specific performance and permanent injunction has been allowed.

Learned counsel for the petitioner submits that the impugned order is not only erroneous but capricious as the respondent-plaintiff did not aver in the application any reason for seeking amendment i.e. exercise of "due diligence".

I have heard learned counsel for the petitioner, perused the paper book and gone through the award.

It is a matter of record that suit for injunction was

filed on account of fact that respondent-plaintiff had threatened to alienate the property. It is a settled law that suit for injunction can always be converted into a suit for specific performance after the cut off date as the suit before the cut off date for specific performance is not maintainable. Therefore, the respondent-plaintiff at the relevant time had no occasion to seek the specific performance against the petitioner-defendant except to seek injunction qua alienation of the property agreed to be sold. The nature of amendment sought would not only avoid multiplicity of the litigation but also prevent the cost of litigation and save the time.

There is no illegality and perversity in the order. The order cannot be termed to have been passed without jurisdiction.

There is no merit in the civil revision. Accordingly, the same is dismissed.

(AMIT RAWAL)
JUDGE

August 12 , 2015
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