

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

C.R. No.6737 of 2001

Date of Decision.27.04.2015

Smt. Bakshish Kaur Gill

.....Petitioner

Versus

Dr. Bhupinder Kaur and others

.....Respondents

2. C.R. No.5043 of 2001

Bakshish Kaur Gill

.....Petitioner

Versus

Dr. Bhupinder Kaur and others

.....Respondents

Present: Mr. Ajaivir Singh, Advocate
for the petitioner.

Ms. Rupinder Kaur, Advocate
for respondent Nos.1 to 3.

Mr. Arihant Jain, Advocate and
Mr. Arun Jindal, Advocate
for respondent Nos.4 and 5.

None for respondent No.6.

Ms. Vandana Malhotra, Advocate
for respondent No.7.

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?

-. -

K. KANNAN J. (ORAL)

1. Both the civil revisions are at the instance of the plaintiff who had moved an application for amendment of the plaint and for framing additional issue based on amended pleading which he was trying to bring. The plaintiff had sought for injunction during the pendency of

the suit against the respondents from putting up construction. It appears that a construction was completed but this Court had passed an order in revision petition filed against the interim orders of injunction in C.R. No.4301 of 1993 giving direction while disposing of the case on 18.12.2003 that the trial shall complete and the Court will fix date for argument which will be taken on a day-to-day basis. The Court had also observed that if there was any prayer made by any party for delaying the disposal of the case, the Court will consider the same imposing heavy costs adhering to Section 35 of the Civil Procedure Code.

2. Even apart from the application for injunction, the application for amendment was to the effect that the construction was against the laws and illegal and it was literally providing a basis for injunction which was sought for. The Court while allowing it observed that the plaintiff would be at liberty to file a suit and denied to him the relief for injunction. If the plaintiff has prayed for an additional basis for injunction which he was seeking, normally I would have allowed for such a prayer but I do not think such procedure will be expedient in the present situation where there has been already a direction from this Court as early as on 18.12.2003 for completion of trial and for disposal of the case on day to day basis. It will be a travesty of justice to allow a suit to languish for more than a decade after the direction given by the Court on 18.12.2003. The amendment which the petitioner is now seeking is really in the nature of legal position for the relief of injunction and even without an amendment, the plaintiff will be entitled to urge for such a contention that the building or the construction is illegal and that he cannot be permitted to enjoy the

same. I do not think any serious prejudice will be caused by the order passed already and therefore, I decline to make any intervention. The trial Court could not have allowed orders of this Court to be flouted in the manner in which it has been done and the petitioner himself shall not seek indulgence of this Court for entertaining the plea for amendment at this stage.

3. The civil revisions are dismissed but with the above observations.

(K. KANNAN)
JUDGE

April 27, 2015
Pankaj*