

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No.5612 of 2015
Date of decision : 31.08.2015

Shiv Singh

...Petitioner

Versus

Mool Chand and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Adarsh Jain, Advocate for the petitioner.

AMIT RAWAL, J. (Oral)

Challenge in the present petition is to the impugned order, whereby application filed by the respondent-plaintiff for seeking amendment of the plaint at initial stage has been allowed.

Mr. Adarsh Jain, learned counsel appearing on behalf of the petitioner-defendant No.1 submits that suit for declaration claiming ½ share in the suit property had been filed by the respondent-plaintiff on 06.05.2013. However, during the pendency of the suit, decree dated 20.05.2013 has been suffered by another co-sharer in favour of petitioner-defendant No.1. It is the said decree which is sought to be challenged by way of amendment.

He further submits that as per sale deed dated 19.05.1988, it is a matter of record that respondent-plaintiff is owner of 1/3 share and the counter claim claiming partition of the properties has been filed and, therefore, the respondent-plaintiff would not be effected, even in case, he challenges the said decree.

I have heard learned counsel for parties and appraised the paper book.

The shorn of the facts/arguments noticed above, it is a matter of record that suit is at the initial stage and even issues have not been framed. The amendment sought is subsequent event which was not in existence at the time of filing of the suit, decree has been passed on 20.05.2013, whereas suit has been filed on 06.05.2013.

No doubt if counter claim claiming the partition of the property has already been filed, de hors of the outcome of the suit/counter claim, the plaintiff cannot be prevented from challenging the decree which is subsequent event. In my view, the impugned order allowing amendment does not suffers from illegality, much less, perversity.

The present revision petition is devoid of merits.

Accordingly, the same is dismissed.

31.08.2015

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**(AMIT RAWAL)
JUDGE**