

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 6023 of 2014 (O&M)
Date of decision: 29.9.2015

Sarabjit Singh

.. Petitioner

v.

Manjit Kaur and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Munish Gupta, Advocate for the petitioner.
Mr. Amit Bhanot, Advocate for the respondents.

...

Rajesh Bindal J.

Earlier order passed by this court on 27.4.2015 disposing of the petition was re-called vide separate order passed today.

Challenge in the present petition is to the order dated 13.8.2014, passed by the learned court below, whereby the application filed by the petitioner-plaintiff for amendment of the suit, was dismissed.

The suit was filed on 21.4.2006 for possession by way of specific performance of agreement to sell. During the pendency thereof, the land having been acquired, application was filed seeking amendment to add the relief for grant of compensation pertaining to the land for which the agreement to sell was executed. The court below dismissed the application. The order has been impugned in the present petition.

Learned counsel for the petitioner submitted that once the land for which the agreement to sell was executed by the respondents had already been acquired, the effective relief could only be the entitlement of compensation of the petitioner pertaining to the land in question. The

amendment sought to that effect should have been allowed to avoid multiplicity of litigation.

On the other hand, learned counsel for the respondents submitted that the suit was filed by the petitioner way back on 21.4.2006 and till date the evidence has not been concluded. The object is only to delay the proceedings. The agreement to sell projected by the petitioner is also dated 14.8.2003. Mere agreement does not confer any right on the petitioner. This right will accrue only after the suit is decreed. There is complete machinery available under the Land Acquisition Act, 1894 for taking care of the claims of the landowners and other parties interested in the land acquired.

After hearing learned counsel for the parties and considering the fact that acquisition of land pertaining to which agreement to sell is projected by the petitioner, was carried out during the pendency of the suit and the award was passed in the year 2012, in my opinion, even though the application was filed after the trial had commenced, but the cause of action having arisen thereafter, the same deserves to be allowed. The amended plaint filed along with application before the court below be taken on record. The respondents may file amended written statement, if required. However, it is made clear that the petitioner-plaintiff shall be permitted to lead evidence only with reference to acquisition of land and nothing more, as the evidence otherwise has been concluded.

Accordingly, the present petition is allowed, subject to payment of ₹ 10,000/- as cost, which shall be paid to the respondents in equal shares by way of demand draft on the next date fixed before the court below.

(Rajesh Bindal)
Judge

29.9.2015
mk

