

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

CR No.6203 of 2014 (O&M)

Date of Decision: October 01, 2015

Ravi Kant

.... Petitioner

vs.

Smt. Raj Devi alias Raj Rani and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. J.S. Mendiratta, Advocate for the petitioner.

None for respondent No.1.

1. *Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

Impugned in the present revision petition is the order dated 28.07.2014 passed by learned Civil Judge (Jr. Divn.), Sub Division Bilaspur, District Yamuna Nagar, whereby an application filed by the petitioner under Order VI, Rule 17 CPC for amendment of the plaint was dismissed.

Learned counsel for the petitioner contends that in a suit for specific performance of contract filed by predecessor-in-interest of the present petitioner, a prayer was sought to be added for grant of alternative relief of damages.

None is present on behalf of the respondent.

I have heard learned counsel for the petitioner and have also considered the case of the respondent.

Learned counsel for the petitioner has argued that the amendment will not change the nature of suit. The application for amendment has been dismissed on the ground that it was within the knowledge of the plaintiff and that it is an old case falling within the list of *Samadhan* 2013-14, which is to be disposed of on priority basis.

I am of the view that the suit is for specific performance in which alternative relief is sought to be added. It will not require any evidence in addition to the evidence already led. The proposed amendment is necessary to do justice between the parties and effectively dispose of the controversy.

As such, the impugned order is set aside and the proposed amendment is allowed, subject to payment of costs of ₹5,000/- to be deposited in the District Legal Aid Funds, Yamuna Nagar at Jagadhri.

Accordingly, the present revision petition stands allowed.

October 01, 2015
sarita

(KULDIP SINGH)
JUDGE