

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Civil Revision No.6462 of 2013

Date of decision: 14.08.2015

M/s GN General Mills Banga and others

.....Petitioners

versus

Kailash Nath

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Sandep Jain, Advocate for the petitioners

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 is the order dated 12.9.2013 (Annexure P6), passed by the learned Civil Judge, Junior Division, Shaheed Bhagat Singh Nagar, vide which, application for amendment of plaint was allowed.

Briefly stated, the plaintiff (respondent herein) had earlier filed a suit for mandatory injunction for directing the defendants to remove the encroachment made by them in the dispute passage. He had claimed in the plaint that the land on the northern side has been sold by him and that in the sale deed, there was a condition that he will get the encroachment, if any, on the passage removed. Therefore, he had filed a suit. By way of amendment, the plaintiff wants to add that this passage also leads to khasra No.62//9/2 which is still the ownership and in the possession of the plaintiff and due to

illegal encroachment made over the passage, the plaintiff is unable to approach his property.

Admittedly, the trial in this case has not started. The mere fact that earlier the defendants/ petitioners had filed an application under Order 7 Rule 11 CPC for rejection of the plaint is no ground to disallow the relief. The amendment is necessary for the just decision of the case. Thus, there is no illegality in the impugned order.

Accordingly, the revision is dismissed.

14.08.2015
gk

(Kuldip Singh)
Judge