

CR-6369-2014

Date of Decision : 09.03.2015

SUDHESH KUMARI

..... Petitioner

Versus

DHARAMJIT

..... Respondent

CORAM HON'BLE MR. JUSTICE K.KANNAN

1. Whether reporters of local newspaper 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. R.K. Chauhan, Advocate
for the petitioner.

Mr. Sandeep Bansal, Advocate
for the respondent.

K.Kannan, J (Oral)

The petition for amendment of the plaint was to incorporate a prayer for the alternative relief of refund of earnest money and for damages. The principal relief was for specific performance. The trial Court has dismissed the suit and the application for amendment was brought at the Appellate Court for return of earnest money and for damages. The Court has dismissed the petition.

The substantive relief of specific performance was brought within time. The prayer for alternate remedy for refund of sale consideration and for damages is possible to be brought at any time under Section 22 of the Specific Relief Act, that is, any time before the judgment has become final between parties. The

rejection of the amendment is erroneous and out of sync of the language of Section 22 of Specific Relief Act. The impugned order is set aside and the revision petition is allowed.

(K. KANNAN)
JUDGE

March 09, 2015

ps-l