

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

CR No. 708 of 2014 (O&M)
Date of decision: March 9, 2015

Baldev Singh

...Petitioner

Versus

Harbhajan Singh

...Respondent

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

1. **Whether Reporters of local papers 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?**

Present: Mr.Aman Pal, Advocate,
for the petitioner.

Mr. Bhag Singh, Advocate,
for the respondent.

K. KANNAN, J. (Oral)

1. An amendment sought by the plaintiff with reference to the alleged encroachment of 3 feet as falling across the entire breadth of the property at the backyard, namely 33 feet, was rejected. This amendment has come about by the end of the trial. The counsel says that he will not seek for any additional evidence and will be satisfied, if the amendment is made to allow for a reference to the breadth of the area of encroachment along with the length of the encroachment referred to as Annexure P/3 already in the plaint. I find the amendment sought for is innocuous, for the court below should have ordered it in the interest of justice. I set aside the order and allow for the amendment to make a reference to the alleged encroachment as 3 feet x 33 feet at the back yard to be brought in the plaint.

The plaintiff will have no right to reopen the evidence or tender any further evidence in the light of the undertaking given by the counsel. The petitioner shall also take burden of costs of Rs. 5,000/- to be paid to the respondent within two weeks from the date of receipt of a copy of this order. If the amount is not paid, as directed, the order already passed by the trial court shall stand restored and the benefit of amendment will be taken as withdrawn. If the respondent chooses to produce any evidence, he shall be at liberty to do so only with reference to the amendment which is now brought by the petitioner.

2. With the above observations, the revision is ordered.

March 9, 2015
prem

(K.KANNAN)
JUDGE