

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 7464 of 2015 (O/M)
Date of decision : 5.11.2015

Roshan Singh

..... Revisionist

Versus

Manbir Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sachin Mittal, Advocate, for the revisionist.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 18.9.2015 (Annexure-P-4), passed by the learned Civil Judge (Junior Division), Bhiwani, vide which the application of the defendant under Order 6 Rule 17 read with Section 151 of Code of Civil Procedure, 1908, for amendment in the plaint, was allowed. By way of amendment, the suit for permanent injunction was converted into suit for specific performance.

I have heard the learned counsel for the revisionist and have also carefully gone through the file.

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After going through the impugned order, I am of the view that the suit for permanent injunction was filed on the basis of agreement of sale dated 28.5.2014. During the pendency of the suit, according to the plaintiffs, the cause of action had arisen and they converted the suit for permanent injunction into suit for specific performance of agreement of sale dated 28.5.2014. There is nothing illegal in the same. Therefore, the impugned order is upheld. Hence, the present revision is dismissed.

Learned counsel for the revisionist has pointed out that an application under Order 7 Rule 11 CPC is pending, which has not been decided by the lower Court.

In these circumstances, the lower Court is directed to decide the application of the revisionist, filed under Order 7 Rule 11 CPC, on merits before proceeding with the trial.

(KULDIP SINGH)
JUDGE

5.11.2015
sjks