

IN THE HIGH COURT OF PUNJAB AND HARYANA, CHANDIGARH

SR.NO.233-CR.NO.7309-2014

Decided on: 01.05.2015

Udham Singh Jain Charitable Hospital

.....Petitioner

VS

State of Haryana and others

.....Respondents

CORAM HON'BLE MR. JUSTICE K.KANNAN

Present Mr.R.S.Athwal, Advocate for the petitioner.

Mr.Gaurav Goel, AAG, Haryana
for the respondents.

K.KANNAN, J

In a suit for declaration and injunction filed in the year 2012, the plaintiff wanted an amendment for the relief of recovery of possession.

There cannot be any serious objection to such an amendment. The government can always contend that the plaintiff is not entitled to such a relief and that further even the right claimed has been lost by law of limitation. I am merely setting down that any defence which is legally competent cannot be in any way lost for the State by virtue of an amendment, especially when the suit is of a recent origin and no serious prejudice can be caused to the defendant.

I, therefore, set aside the order passed by the Court below and allow the petition.

The defendant will have a right to file an amendment to statement or additional statement in the manner contemplated under Order 8 Rule 9 of the CPC but it shall be confined to the amended relief which the plaintiff brings and the defendant will not bring any statement which is outside the pleadings brought through the set of amendment.

Revision is allowed in the above terms.

01.05.2015

mamta

(K.KANNAN)

JUDGE