

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 772 of 2015.
Date of Decision : 20.04.2015.

Kalo Devi and others

...Petitioners

Versus

Vishav Nath Puri

...Respondent

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

Present: Mr. Bikram Chaudhary, Advocate for the petitioners.

Mr. Avinash Mittal, Advocate for the respondent.

K. Kannan, J.

In a suit for declaration after the conclusion of the plaintiff's evidence and the defendant's evidence, when it was posted for rebuttal by the plaintiff, he has brought an amendment to include the prayer for recovery of possession. The prayer is grossly belated but I do not want to let the declaratory action fail without an ancillary relief when possession is in the hands of defendants, only by sheer delay. For the delay in filing the application after filing the suit without a prayer for recovery of possession, I impose a cost of ₹10,000/- on the petitioner-plaintiff as a condition for bringing such an amendment. The cost shall be paid within two weeks. The defendant shall have right to bring his own defence for the additional plea of recovery of possession as regards the maintainability and otherwise in the manner canvassed by the learned counsel. The Court will also frame an issue on limitation, since the duty is on the Court to address the point of limitation, where there is a pleading or not.

The impugned order is set aside and the Civil Revision petition is allowed with liberty granted to the respondent.

April 20, 2015.
kanchan

(K. KANNAN)
JUDGE