

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 7987 of 2015 (O/M)
Date of decision : 30.11.2015

Munish Kumar and another Revisionists

Versus

Malkiat Singh and others Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ramandeep, Advocate, for the revisionists.

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 14.10.2015 (Annexure-P-3), passed by the learned Civil Judge (Junior Division), Jalandhar, vide which the application, filed by the plaintiff under Order 6 Rule 17 of Code of Civil Procedure, 1908 (in short 'CPC'), for amendment of the plaint, was allowed.

It comes out that the plaintiff had filed the suit for permanent injunction, restraining the defendants from alienating the suit land on the ground that agreement of sale dated 30.3.2012 and before the date of execution of sale deed i.e. 3.5.2013, the

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defendants intend to alienate the suit land. At the pleading stage, the plaintiff moved an application for amendment of the plaint to state that now he has come to know that the defendants had forged and fabricated the original agreed clause and terms and conditions of agreement of sale. Therefore, he wants to add the said prayer and also seeks declaration to the effect that the agreement stands cancelled, terminated and become redundant on account of said forgery and he claims that the earnest money of rupees fifty lacs have been forfeited.

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

The lower Court has taken the view that law relating to the amendment of the pleadings in the plaint before the commencement of trial is very liberal. It is stated that the proposed amendment is a result of subsequent events and its incorporation is necessary to decide the real controversy between the parties. Therefore, the amendment of the pleadings in the plaint was allowed.

I am of the view that the trial Court has already taken the view that the plaintiff wants to add the subsequent events and that the law relating to amendment of the pleadings in the plaint before the commencement of trial is very liberal. The case is at initial stage. Therefore, there is no ground to interfere in the impugned

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order, allowing the amendment of the plaint. Accordingly, the present revision is dismissed.

(KULDIP SINGH)
JUDGE

30.11.2015
sjks