

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.8666 of 2014 (O&M)

Date of Decision.10.03.2015

2. C.R. No.8689 of 2014 (O&M)

Subhash

.....Petitioner

Versus

Satbir Singh and others

.....Respondents

Present: Mr. Rakesh Dhiman, Advocate
for the petitioner.

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?

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K. KANNAN J. (ORAL)

1. Both the revision petitions are connected and they are being disposed of by a common order.

2. There is no scope for an amendment of a reference where the issue for adjudication is the person who is entitled to the amount. According to the petitioner, mother is the owner of the property which is acquired and he has claimed the apportionment which he seeks in his capacity such as a lessee. After a reference to the Civil Court, it appears that the respondent has pleaded that the mother has granted a lease in his favour. The contention by the petitioner is that the lease in favour of the 1st respondent has been cancelled and only after the cancellation, a lease in his favour has been made. This is a point which he will be entitled to bring and confront the respondent with the cross-examination by pointing out to the document that the lease was

cancelled. There is no question of amendment of reference, for, a reference is made only by a public officer and if at the time of seeking for reference, the petitioner has claimed himself a lessee, he is entitled to hold forth the same status and fend off any claim by any other person claiming the rival status as a lessee. Even without a pleading, the petitioner will be at liberty to put up such a contention and if there are any observations against such a course by the order of the Reference Court, I clarify that the petitioner will not be prevented from putting up his case relating to cancellation of lease in the manner that he is now pleading for before this Court.

3. With the above observations, the revision petitions are disposed of.

**(K. KANNAN)
JUDGE**

March 10, 2015
Pankaj*