

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 991 of 2015(O&M)
Date of decision : November 19, 2015

Paramjeet Singh

..... Petitioner

Versus

Naveen Kumar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Karan Singh, Advocate
for the petitiones.

Mr. Udeyveer Singh Rana, Advocate for
Mr. Partap Singh, Advocate
for respondent Nos.1 and 2.

Mr. Raghav Sharma, Advocate for
Mr. Aayush Gupta, Advocate
for respondent Nos. 4 to 6, 8 to 11 and 13 to 37.

Amit Rawal, J (oral).

The challenge in the present revision petition is to the order dated 4.2.2015 whereby the application filed by the petitioner-plaintiff for seeking amendment in the plaint for setting out claim of possession has been dismissed, on the ground that it was a belated application.

Learned counsel appearing on behalf of the petitioner submits that the application, aforementioned was filed at the stage when the petitioner-plaintiff's evidence was closed. However, the case is listed for defendant's evidence. In case, the amendment is not allowed, a relief of declaration and injunction sought would render otiose.

He further submits that it would not alter the nature

of the suit in case the petitioner-plaintiff is permitted to incorporate the amendment. He seeks indulgence of this court that he does not want to lead any evidence in case amendment is allowed.

Mr. Udeyveer Singh Rana, Advocate appearing on behalf of respondent Nos.1 and 2 submits that the amendment at the stage where the suit has been slated for arguments, thus, cannot be permitted and in case, the amendment is allowed, it will alter the nature of the suit. In essence, the petitioner-plaintiff would also be required to pay court fee.

I have heard learned counsel for the parties and appraised the paper book.

The trial court declined the application on the ground that it is too late in a day to seek amendment. Since the petitioner has suffered a statement that he will not lead any evidence, in case, the petitioner-plaintiff is permitted to cause amendment by adding the relief of possession in the head note and the relief clause subject to payment of permissible court fee, no pre judice would be caused to the respondents-defendants as they shall be compensated in terms of costs which is quantified at ₹10,000/-.

In view of the above, the impugned order is set aside, the revision petition is allowed.

Costs shall be paid to the counsel for respondent Nos. 1 and 2 in the High Court.

(AMIT RAWAL)
JUDGE

November 19 , 2015
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