

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 2428 of 2016
Date of decision : April 4, 2016

Babu Lal

..... Petitioner

Versus

Pushpa Rani

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Robin Dutt, Advocate
for the petitioner.

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?

Amit Rawal, J (oral).

The petitioner-defendant is aggrieved of the order allowing the application filed under Order 6 Rule 17 CPC seeking amendment of the plaint.

Learned counsel appearing on behalf of the petitioner submits that originally the suit was filed for permanent injunction seeking restraint order against the respondent not to raise any construction over the property in dispute. The suit is at the stage of plaintiff's cross-examination and the application aforementioned was filed, which the trial court had erroneously allowed, which is not permissible in law.

I have heard learned counsel for the petitioner, appraised the paper book and of the view that in view of the

subsequent event viz-a-viz raising of alleged construction, the suit for permanent injunction can be converted into suit for mandatory injunction. At the fag end of the trial, such an evidence, in view of the subsequent event can always be brought on record. The suit can be converted from permanent injunction to mandatory injunction. The order of amendment is not in the adverse interest of the defendant as the suit is at the stage of respondent-plaintiff's evidence.

I do not find any illegality and perversity in the impugned order and the same cannot be said to have been passed without jurisdiction.

The revision petition is devoid of merits. Accordingly the same is dismissed.

April 4, 2016
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(AMIT RAWAL)
JUDGE