

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.2955 of 2016 (O&M)
Date of decision:28.04.2016

Darshan Singh

... Petitioner

Vs.

Ajit Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Satbir Rathore, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The petitioner-plaintiff is aggrieved of the dismissal of the application seeking amendment of the plaint after the matter having been remanded back by this Court and opportunity was granted to lead fresh evidence owing to the previous evidence burnt in the fire broke out in the District Court.

Mr. Satbir Rathore, learned counsel appearing on behalf of the petitioner-plaintiff submits that vide amendment, the area possession of which is being sought in a suit filed under Section 6 of the Specific Relief Act, has been reduced. No prejudice would be caused to the respondent-defendants and the findings rendered by the trial Court by relying upon the findings at the time when the suit was dismissed would be immaterial as the said findings have already been set aside. The amendment sought is most innocuous, rather it

would help the Court to decide the controversy.

I have heard learned counsel for the petitioner-plaintiff and appraised the paper book.

It is a matter of record that the aforementioned suit was dismissed by the trial Court. However, this Court remanded the matter back. During that stage, after the remand, it realized that the evidence already led in the aforementioned suit has been burnt and in this regard, an application was moved. This Court, vide order dated 16.02.2016 passed in CR No.1175 of 2016 titled as Darshan Singh vs. Ajit Singh and others (Annexure P-4), had granted opportunity to the parties to lead evidence in case, counsel representing the party did not produce any document. It is in these circumstances, the petitioner-plaintiff is aggrieved with the plea of amendment by setting up the total different case as already one round of litigation had taken place. In my view, such amendment would definitely alter the nature of the case, much less the area sought to be pre-possessed by invoking the provisions of Section 6 of the Specific Relief Act.

In view of the aforementioned observations, no ground is made out for interference, much less, the same cannot be said to have been passed without jurisdiction.

Accordingly, the revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

April 28, 2016
savita