

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No. 4381 of 2014 (O&M)

Date of decision: January 15, 2016

Satish Chander

...Petitioner

Versus

Smt. Vidyawati and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Rajesh Bansal, Advocate,
for the petitioner.

K. KANNAN, J. (Oral)

1. There is no defect in the order passed by the court below to make any interference. A vague application for amendment has been filed on 12.2.2014 without setting out the exact particulars of what have to be brought in the amendment. The statement is that the amendment should be granted to the plaintiff to amend the suit for permanent injunction and consequential relief. How the prayer was to be supported by pleadings in the body of the petition was never set out and the court which passed the order on 11.3.2014 has merely considered the fact that the plaintiff was asking for a consequential relief of injunction also and it should be, therefore, given. The Court had not before it any other material nor had it allowed for any new material to be brought. However, after securing the order dated 11.3.2014, the plaintiff has given the so-called supporting particulars for the ultimate relief clause. Since it was meant to be purely

consequential, the court has passed an order allowing for such amendment to be carried through, but when it was actually apprised through an application filed by the defendant that the plaintiff had actually acted beyond the order passed by the court in allowing for amendment for amending the prayer, the trial court has set right the error and recalled the amendment that was ordered. The court was justified in recalling the same, the order passed on 11.3.2014 grants no more permission than amending the prayer clause. There is no error for intervention.

2. The plaintiff has a grievance that the amendment was brought even before the commencement of the trial and he will be put to substantial prejudice if the details are not permitted to be brought in the body of the plaint to support the justification for the prayer, I will make no judgment on what the plaintiff has failed to do and if he believes that he will be able to still make correction for his own lapse in not coming with the appropriate details, he may be at liberty to approach the court with a fresh amendment application. But this observations ought not to be understood as recognizing that the plaintiff has any such right to bring an amendment. Any such attempt will be duly permitted to be countered by the respondents/defendants and the court will take appropriate decision, if the plaintiff makes attempt to amend the plaint any further.

3. With these observations, the revision petition is dismissed.

January 15, 2016
prem

(K. KANNAN)
JUDGE