

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 4942 of 2015(O&M)
Date of decision : May 20, 2016

Sohan Singh

..... Petitioner

Versus

Surjit Singh Grewal

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Vaibhav Sehgal, Advocate
for the petitioner.

Mr. Arjunveer Singh, Advocate
for the respondent.

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-plaintiff is aggrieved of the impugned order dated 1.9.2014 whereby application seeking amendment of the plaint in a suit for permanent injunction seeking restraint order against the respondent-defendant his agents, associates, servants, employees etc. not to interfere in the peaceful possession of the suit property has been dismissed.

Learned counsel appearing on behalf of the petitioner submits that due to typographical error and inadvertence

the date of tenancy has been mentioned as 1992 instead of 2002. Even the issues have not been framed. When the application was filed the suit was at the initial stage, yet the trial court declined the application.

He further submits that as per the interim order the evidence in support of the claim in the suit has been filed in terms of proposed amendment, thus urges this Court that the amendment is most innocuous and does not alter and change nature of the suit much less amounts to withdrawal of admission as the case set up by the defendant before the trial court and this Court is that the plaintiff has not been inducted as a tenant but only care taker, therefore seeking amendment regarding the tenancy is material though in cross examination this fact of the plaintiff has not been denied.

Mr. Arjunveer Singh, learned counsel appearing on behalf of respondent submits that the amendment as sought cannot be permitted and in case, the amendment is allowed, it will alter the nature of the suit, much less tantamounts to de novo trial.

I have heard learned counsel for the parties, appraised the paper book and of the view that the amendment sought is most innocuous in the simpliciter suit for injunction against the forcible dispossession and interference. The plaintiff has already been examined.

In view of the aforementioned facts, I am of the view that allowing of the application would not tantamount to de novo trial and putting the clock back.

For the foregoing reasons, the impugned order is

set aside. The application seeking amendment of the plaint is allowed. Resultantly, the revision petition stands allowed.

(AMIT RAWAL)
JUDGE

May 20 , 2016
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