IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.8644 of 2015 (O&M)
Date of decision : 18.01.2016

Sanjiv Verma

...Petitioner

Versus

Ravi Jangir and ors.

...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. Munish Gupta, Advocate for the petitioner.

****

AMIT RAWAL, J. (Oral)

The petitioner-defendant is aggrieved of the order dated 21.10.2015, whereby application filed by the respondent-plaintiff seeking amendment of the plaint by incorporating khasra numbers 1116/4, has been allowed to be incorporated in a suit for permanent and mandatory injunction.

Mr. Munish Gupta, learned counsel appearing on behalf of petitioner-defendant submits that during the course of pendency of the suit, respondent-plaintiff had moved an application for appointment of the Local Commissioner. Suit was vis-a-vis the khasra numbers 1116/1. However, after receipt of the report, the application to incorporate the aforementioned

PAWAN KUMAR
2016.01.25 11:44
I attest to the accuracy and
authenticity of this document

khasra No. i.e. 1116/4, has been sought which amounts to filing of the lacuna and cannot be permitted, as the suit was at the stage of the respondent-plaintiff's evidence.

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

Though the report of the Local Commissioner would be a subject matter of the adjudication by the trial Court but the fact remains that certain evidence has come to show that mandatory injunction would also be necessary, if able to prove, with regard to the some part of khasra No.1116/4 which allegedly the petitioner-defendant is fighting for. Thus, the trial Court has rightly exercised the jurisdiction by holding that it would be essential and necessary to allow amendment for the adjudication of the lis between the parties.

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

There is no merit in the petition.

Dismissed.

18.01.2016 **(AMIT RAWAL)**
pawan **JUDGE**

PAWAN KUMAR
2016.01.25 11:44
I attest to the accuracy and
authenticity of this document