

**In the High Court of Punjab and Haryana, at Chandigarh**

**Civil Revision No. 997 of 2016**

**Date of Decision: 10.02.2016**

Jaspal Singh

... Petitioner(s)

Versus

Gurbinder Singh

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Shekher Dhawan.**

- |    |                                                                       |            |
|----|-----------------------------------------------------------------------|------------|
| 1. | Whether reporters of local newspapers may be allowed to see judgment? | <b>Yes</b> |
| 2  | To be referred to reporters or not?                                   |            |
| 3  | Whether the judgment should be reported in the Digest?                | <b>Yes</b> |

Present: Mr. Amit Dhawan, Advocate  
for the petitioner(s).

**Shekher Dhawan, J.**

Present petition is a challenge to the order dated 6.11.2015, passed by learned Civil Judge (Junior Division), Nakodar, whereby application, filed by the petitioner under Order 6 Rule 17 CPC for amendment of pleadings, was dismissed.

Relevant facts of the case that petitioner has filed suit for permanent injunction by restraining the defendants from interfering into peaceful possession of the plaintiff on the property in dispute. During pendency of the suit, learned Civil Judge (Junior Division), Nakodar, vide order dated 27.10.2014 directed the parties to maintain status quo regarding existing possession of the disputed property till 21.11.2014.

Respondent was duly intimated regarding the order passed by the Court. However, respondent raised wall on 1.11.2014 in front of windows of the house of the respondent on the common path and violated the said order dated 27.10.2014. Application for amendment of plaint was filed so as to incorporate the fact that construction was raised by the respondent despite passing of the order by the Court. But the Court below dismissed the application without any reason and the said order be set aside.

Having considered the submissions made by learned counsel for the parties, this Court is of the considered view that the Court below fell in error while declining such an amendment in the pleadings. By way of proposed amendment, petitioner just wanted to bring the subsequent developments having taken place on the Court file and as such the proposed amendment has become essential for the just decision of the case. Law on the point is settled that the case should be decided after taking into consideration all the material and evidence available with the parties, at least before the trial Court. But the Court below passed the order dated 6.11.2015 without taking this legal position into consideration.

Hence, present petition is accepted and order dated 6.11.2015 is set aside. Petitioner is allowed to amend the plaint so as to incorporate the facts regarding construction having been raised after passing of the order by the Court below on 27.10.2014.

**(Shekher Dhawan)**  
**Judge**

**February 10, 2016**

"DK"