

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

CR No. 1923 of 2014 (O&M)

Date of Decision: 07.11.2017

FAZRU (DECEASED) THROUGH LR

-PETITIONER

VS

MOHD. NASIR AND ORS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Tanmoy Gupta, Advocate,
for the petitioner.

Mr. S.K. Bawa, Advocate,
for respondents No.1,2 and 4.

RAJ MOHAN SINGH, J. (ORAL)

- [1]. Admittedly, the suit itself is at the stage of arguments.
- [2]. The suit was filed on 17.02.2010 for declaration and permanent injunction.
- [3]. Plaintiff sought declaration that General Power of Attorney dated 03.03.2004, sale deed dated 21.04.2004 and the loan amount taken by defendant No.2 over the suit land were illegal, null and void.
- [4]. The suit was contested by the defendants. Issues were framed on 15.05.2012 and thereafter, both the parties have concluded their evidence.
- [5]. By means of application under Order 6 Rule 17 CPC,

the plaintiff seeks to add alternative relief of possession in the prayer clause on two counts; firstly, that if the defendants succeed in dis-possessing the plaintiff during pendency of the suit or otherwise defendants No.1 and 2 are found to be in possession of the suit property.

[6]. During course of arguments, learned counsel for the petitioner has admitted that as per the evidence on record, no evidence has come to the effect that defendants have dis-possessed the plaintiff during pendency of the suit and the plaintiff is in possession of the suit property.

[7]. At this stage, the possession of the plaintiff would be of relevant consideration in order to maintain a suit for declaration and permanent injunction.

[8]. Since, the suit itself is at the fag end, the Court would be at liberty to take judicial notice of subsequent events, (if any). The proposed amendment in my considered opinion is not necessary to be allowed at this stage.

[9]. Disposed of.

07.11.2017
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No