

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

227

CR No.2631 of 2016 (O&M)

Date of decision: 03.10.2017

Prem Chand and another

..... Petitioners

Versus

Sandeep and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. R.S. Mamli, Advocate
for the petitioners.

Mr. Anshul Mangla, Advocate
for respondents No.1 and 2.

Mr. Munish Mittal, Advocate
for respondent No.4.

ANIL KSHETARPAL, J. (ORAL)

Plaintiffs-petitioners are in revision petition against the order dated 15.02.2016 passed by the trial Court dismissing the application under Order 6 Rule 17, CPC for amendment of the plaint.

It is asserted by the plaintiffs through the amendment that they are seeking to amend the plaint because during the pendency of the suit, certain construction has been raised over the property in dispute. He submits that originally the suit was only for permanent injunction and since construction has been raised during the pendency of the suit, therefore, he would not get any relief.

In my considered opinion, once the Court comes to a finding that some construction has been raised during the pendency of the suit, the Court is entitled to mould the relief. The Courts can certainly grant relief

by moulding the relief as provided in Code of Civil Procedure. In the present case, the parties have already started their evidence.

Keeping in view the aforesaid fact, this revision petition is disposed of with observations that in case the Court records a finding that any construction has been raised during the pendency of the suit, the Court would be entitled to mould the relief and grant substantive relief to the petitioners.

Disposed of.

03.10.2017
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No