

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.6664 of 2017 (O&M)
Date of Order: 23.10.2017

Ganpat and others

..Petitioners

Versus

Pawan Kumar

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Jain, Advocate,
for the petitioners.

ANIL KSHETARPAL, J (Oral)

Defendants are in revision petition against order dated 21.08.2017, by which the learned trial Court has allowed application for amendment of the plaint so as to include relief of possession and certain other consequential amendments.

Learned counsel for the petitioners has vehemently argued that the trial had started and the plaintiff had examined one witness Rohtash and, therefore, the amendment could not be permitted.

I have considered the submission of learned counsel for the petitioners.

Plaintiff in the present case had originally filed a suit for mandatory and permanent injunction. During the pendency of the suit, plaintiff had filed an application claiming that on 29.07.2015, defendants have raised wall in the middle of the plot of the plaintiff. Plaintiff filed an application, bringing this fact to the notice of the Court and wanted to add a consequential relief of possession. The aforesaid application has been

allowed.

Amendment of the plaint to add a relief which according to the plaintiff has arisen due to subsequent development can always be permitted. Originally also prayer in the suit was for grant of a decree of mandatory injunction directing the defendants to remove encroachment.

Taking into consideration the aforesaid facts, there is no ground to interfere with the discretion exercised by the learned trial Court.

Learned counsel for the petitioners has further submitted that the plaintiff is wanting to delay the trial of the suit.

The suit was filed in the year 2014. The trial Court is directed to conclude the trial of the suit expeditiously.

The revision petition is disposed of accordingly.

October 23, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No