

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CR No.1404 of 2018
Date of Decision:01.03.2018**

Gurvinder Singh

...Petitioner

Versus

Ashok Kumar

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Atul Goyal, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-petitioner is in the revision petition against the order, dismissing the application for amendment of the plaint, so as to incorporate subsequent events, which have taken place during the pendency of the suit as also the relief of mandatory injunction.

Plaintiff had filed a suit for permanent injunction, restraining the defendant from raising any construction over Plot No.34-B, Raj Guru Nagar, Ludhiana against sanctioned building plan and against Scheme of Improvement Trust. The suit was instituted on 4.1.2014. When the evidence of the defendant was going on, the plaintiff moved an application for amendment, pleading that in the cross-examination, defendant has admitted that certain construction has been raised by him during the pendency of the suit.

In the considered opinion of this Court, for such a relief, no amendment of the pleading is required as the court is bound to notice subsequent events and mould the relief accordingly. Any development,

which has been taken place during the pendency of the suit and once it comes to the notice of the court, the court would not decline the relief only on the ground that prayer has not been made in the plaint.

In view of the observations made above, the revision petition is disposed of.

01.03.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No