

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

CR No.1852 of 2018

Date of Decision:20.03.2018

Vatika Limited

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Adarsh Jain, Advocate for the petitioner.

RAMENDRA JAIN, J. (Oral)

Through this civil revision petition filed under Article 227 of the Constitution of India, order dated 14.02.2018 of the trial has been assailed, whereby application of the petitioner under Order 6 Rule 17 CPC seeking amendment in the plaint has been dismissed.

In nutshell, the petitioner filed a suit for permanent injunction to restrain the respondents from interfering into its lawful use and maintenance of the public property detailed in para No.3 of the plaint.

During pendency of its suit, the petitioner- plaintiff moved an application for amendment of his plaint on the ground that the public property which is being maintained by the petitioner- plaintiff has been transferred to the Municipal Corporation, Gurugram, therefore, necessity has arisen to incorporate this fact.

After due contest from the respondents, the application aforesaid of the petitioner was dismissed by the trial Court vide impugned order.

Learned counsel for the petitioner contends that upon seeking information under RTI, the petitioner came to know that the public property which is being maintained by the petitioner has been transferred to the Municipal Corporation, Gurugram and the Chief Minister has also given its approval for the same. The trial Court has wrongly and illegally dismissed the application of the petitioner for incorporating the said fact.

Having given considerable thought to the submissions made by learned counsel for the petitioner, this Court finds the instant petition completely frivolous and meritless inasmuch as any government speaks through its notification, Acts and circulars. In the instant case, admittedly as on date, no such notification and circular has been issued by the State Government. Considering this aspect of the matter, the trial Court has rightly dismissed the application of the petitioner for amendment. The same warrants no interference.

Dismissed.

March 20, 2018
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(RAMENDRA JAIN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No