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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 1999 of 2018 (O/M)

Date of decision : 26.3.2018

Amar Singh

..... Petitioner

Versus

Mandir Jagannath Puri

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ashok Arora, Advocate, for petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

Heard. Vide impugned order dated 26.2.2018 (Annexure-P-4), passed by the learned Additional Civil Judge (Senior Division), Hansi, in Civil Suit No. 114-C of 2015, an application filed by plaintiff for permission to withdraw the suit with permission to file a fresh one on same cause of action has been dismissed.

The learned counsel for petitioner has contended that he being occupancy tenant had filed a suit for declaration. Now, he has come to know that defendant has incorporated his name in revenue record by playing fraud. Therefore, he wants to file a fresh suit for declaration.

I am of the view that if some facts come to the knowledge of plaintiff, he can always file application for amendment of suit which can be decided. However, it cannot be called formal defect, so as to attract provisions of Order XXIII Rule 1 CPC, 1908. The suit is pending since year 2015 and after three years, such application has been filed. There is no ground to interfere in impugned order. Consequently, civil revision is dismissed. Since main petition has been dismissed, therefore, pending application, if any, also stands disposed of.

(KULDIP SINGH)
JUDGE

26.3.2018

sjks

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No