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

CR No. 4544 of 2018 (O&M)
Date of Decision: 06.08.2018

Jagroop Singh

.....Petitioner

Versus

Ajaib Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ajay Kumar Sharma, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

CM-16035-CII-2018

On 19.07.2018, learned counsel for the petitioner was unwell. At his behest, a request was made and the case was adjourned to 09.10.2018.

The present application has been filed for preponing the date of hearing.

I have considered the application.

For the reasons mentioned in the application, the application is allowed and the date of preliminary hearing is preponed for today and the main case is taken up.

Main case

1. Defendant has preferred this revision petition against

the order dated 05.02.2018 passed by the trial Court under Order 6 Rule 17 CPC vide which the amendment in the plaint was allowed in a suit for permanent injunction. Plaintiff sought restraint against the defendant qua construction of gair mumkin rurri which is shown as joint in the revenue record.

2. Plaintiff alleged that during pendency of the application under Order 39 Rules 1 and 2 CPC, defendant allegedly raised wall and installed a gate.

3. In view of aforesaid subsequent events, plaintiff sought to get the suit amended by incorporating relief of mandatory injunction. The amendment was allowed. The alleged fact of raising wall and installing a gate came to be recorded in the proceedings under Order 39 Rules 1 and 2 CPC.

4. It is a settled principle of law that the Court can take notice of subsequent events. Incorporation of relief of mandatory injunction in any way will not change the nature of the suit, rather the same will prevent further litigation between the parties.

5. The factum of raising of wall and installation of gate can be established before the trial Court subject to leading of evidence by both the parties. At this stage, only the amendment has been allowed.

6. It is a settled principle of law that all bonafide amendments should be allowed and effect of such amendment has to be adjudged by the Court at the time of final adjudication of the case.

7. No ground is made out to interfere in the impugned order passed by the trial Court.

8. This revision petition is accordingly, dismissed.

06.08.2018

Jyoti Yadav

**(RAJ MOHAN SINGH)
JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No