

It comes out that during the pendency of suit, it came out from revenue record that area regarding which specific performance is claimed is lesser. Therefore, plaintiff wanted to amend the plaint for lesser relief. Lower Court has found that said amendment is necessary for just decision of the case.

CR No. 5202 of 2016 (O/M)

I am of the view that even if earlier application was dismissed in a suit for specific performance, lesser relief can always be granted. Even without amendment, lesser relief could have been granted. Therefore, there is no illegality or infirmity in impugned order. Consequently, revision is dismissed.

(KULDIP SINGH)
JUDGE

17.5.2018
sjks

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No