

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

**CR No. 1486 of 2017(O&M)
Date of decision : 22.10.2019**

Amar Singh

..... Petitioner

versus

M/S PNV Construction Pvt. Ltd. and others

..... Respondents

CORAM : HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr.Aashish Chopra, Advocate for the petitioner.

Mr.Sanjay Vij, Advocate
for the respondents.

NIRMALJIT KAUR, J. (ORAL)

The present revision petition is filed by the petitioner against the order dated 25.01.2017(Annexure P-8) passed by learned Civil Judge(Junior Division),Gurgaon vide which his application for amendment was dismissed.

The petitioner sought amendment for modification of the total area mentioned in the original plaint. As per the plaintiff, there was error in the calculation. His claim was to the extent of only 19900.75 square feet and not 27683.73 square feet. Area measuring 14,442.52 square feet had already been handed over to the petitioner by way of order dated 23.05.2016 in pursuance to the statement made by the respondents. Hence, now only 5458.23 square feet area remains to be allotted. His application was dismissed taking into account that since the area calculated in the original plaint was more than the area calculated in the amendment application, there is no likelihood of any harm to

the interest of the plaintiff.

The above facts are not disputed. However, learned counsel for the respondents while opposing the present revision petition submitted that in case the said revision petition is allowed, it would lead to inordinate delay and the petitioner will also seek de novo trial. Learned counsel for the petitioner, however, has made a statement on instructions from the petitioner who is present in Court that he shall not ask for any additional evidence to be led on the basis of the said amendment.

In view of the above, the amendment application is allowed to the extent of the said area as sought to be amended. At this stage, it is submitted that during the pendency of the suit, claim of the plaintiff has already been reduced to 14,442.52 square feet, therefore, the claim remains only with regard to 5458.23 square feet. In view of the same revision petition is allowed to the extent mentioned above. However, it is clarified that this order would not have any bearing on the revision with respect to the dispute with regard to court fee.

(NIRMALJIT KAUR)
JUDGE

22.10.2019
sunita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No