

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

CR No.407 of 2019 (O&M)
Date of decision : 21.01.2019

Sunder Singh

...Petitioner

Versus

Smt. Kalawati and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajiv Sharma, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Learned trial Court while passing the impugned order, has
observed as under:-

“After hearing learned counsel for parties, this court is of view that present application is not maintainable as trial in the case has been commenced. Furthermore, facts regarding acquisition of land and award of compensation are not new facts which were already in knowledge of plaintiff. In original plaint he has narrated about acquisition of land and further stated about agreement taken place between him and Chandan Singh to divide compensation amount. So, these facts cannot be said that plaintiff came to know about it after filing of the suit. The plaintiff has claimed decree for declaration to declare him as Gair Maurusi in suit land upto his ½ share. By seeking said declaration he indirectly prayed for releasing of compensation amount in ½ share to him. So, specific declaration that he is entitled for ½ share

in the compensation amount of acquired land is not necessary as prayed in the present application. So, present application under Order 6 Rule 17 of CPC is hereby dismissed.”

On careful reading of the aforesaid extracted portion, it is apparent that the learned Judge has observed that the prayer which is sought to be now made has already been made indirectly and, therefore, there is no requirement to amend the plaint.

In view of the observations made above which shall be kept in view by the Court while deciding the suit, no ground is made out to interfere.

Revision petition is dismissed.

21.01.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No