

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CR-8858-2017 (O&M)

Date of Decision : 28.11.2019

Darshan Lal

.....Petitioner

Versus

Pepsu Road Transport Corporation and another

.....Respondents

**CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR**

Present: Mr. Pankaj Katia, Advocate  
for the petitioner.

Mr. S.K.Saini, Advocate for  
Mr. Harsh Chopra, Advocate  
for the respondents.

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**NIRMALJIT KAUR, J. (ORAL)**

The present revision petition has been filed against the impugned order dated 19.07.2017 and review order dated 17.11.2017 whereby the Civil Judge (Jr. Divn.), Bathinda has dismissed the application of the petitioner for amendment of the plaint for adding the prayer for mandatory injunction along with a suit for declaration.

It is contended that by oversight he did not seek relief of the mandatory injunction in the suit which is necessary for adjudication of the case. Even otherwise, in case of declaration for any right, consequential relief has to follow from declaration which is required to be sought.

Learned counsel for the respondent, however, while opposing the prayer has relied on the judgment rendered in the case of **Mashyak**

**Grihnanman Sahakari Sanstha Maryadit Vs. Usman Habib Dhuka and others**, 2013(2) RCR (Civil) 965, to contend that any amendment sought at a belated stage is an after thought and the purpose is to avert the inevitable consequence.

There is no dispute with the judgment relied upon by the learned counsel for the respondent. However, in the present case, in the similar set up circumstances and for similar employees, the Co-ordinate Court of Civil Judge (Jr. Divn.), Bathinda allowed their applications for adding the relief of mandatory injunction as consequential relief on the ground that the proposed amendment did not change the nature of the suit and no fresh evidence was required to be led. It would be highly unfair in case, only the present petitioner was restrained from amending the plaint to the above mentioned limited extent and would amount to discrimination against him.

Learned counsel for the petitioner further states that they shall not lead any evidence in case they are allowed to add the relief of mandatory injunction as consequential relief. It would also not change the nature of the case.

In view of the above, the impugned order dated 19.07.2017 and review order dated 17.11.2017 are set aside and the application filed by the petitioner is allowed subject to the payment of Rs.5,000/- as costs to be paid to the respondent-defendant by way of a demand draft.

28.11.2019  
anju

(NIRMALJIT KAUR )  
JUDGE

Whether Speaking/Reasoned : Yes/No  
Whether Reportable : Yes/No