

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

CR No.3636 of 2019

Date of decision:29.05.2019

Devi Singh and others

... Petitioners

Vs.

Gram Panchayat Assan Kalan and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Ranjit Saini, Advocate, for the petitioners.

AMIT RAWAL J. (Oral)

Learned counsel for the petitioners submits that suit for injunction was filed on the basis of long and settled possession which was dismissed on the various grounds. During the pendency of the appeal, the petitioners were dispossessed and wanted to amend the suit but the same has been declined.

I am afraid the aforementioned argument is not sustainable, for, the injunction suit was not on the ground of title but only on the ground of long and settled possession. Remedy for the petitioners is to file a separate suit and not for amendment as it tantamounts to de-novo trial, filling up the lacunae which could not be allowed at an appellate stage.

With the aforementioned observations while upholding the impugned order, revision petition stands disposed of.

May 29, 2019
savita

(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned
Whether Reportable

Yes/No
Yes/No