

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-129-2019 (O&M)

Date of Decision: 10.02.2020

Mohan Lal

....Petitioner

Versus

Balihar Lotiya and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None

ANIL KSHETARPAL, J. (ORAL)

The plaintiff-petitioner has filed the present revision petition under Article 227 of the Constitution of India challenging correctness of order passed by Additional Civil Judge (Senior Division), Shaheed Bhagat Singh Nagar, dated 27th November 2018 partially dismissing a prayer for permission to amend the relief clause so as to incorporate alternative relief of possession. It may be noted here that the plaintiff has filed a suit for permanent injunction restraining the defendants from interfering in the peaceful, lawful and uninterrupted possession of the plaintiff. It is pleaded that during the pendency of the suit, demarcation of the land was carried out and it was found that the defendants are in possession of 2 Marlas and 7.5 Sarsais of the land.

Learned trial Court dismissed the application of the plaintiff.

Keeping in view the facts of the case, this Court is of the opinion that the present revision petition can be disposed of by directing the trial Court to decide the suit in accordance with law. While deciding the suit, if the

part of the land which belongs to the plaintiff, the Court would mould the relief in order to do substantive justice between the parties. Such relief would be granted irrespective of the fact that a specific prayer in this regard has not been made.

Disposed of accordingly.

February 10, 2020
Mehak

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No