

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

-.-

Civil Revision No. 3888 of 2018 (O&M)

Date of decision: 27.02.2020

Raj Kumar

.....Petitioner

Versus

Waryam Singh and another

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. S S Sodhi, Advocate
for the petitioner

-.-

Rekha Mittal, J. (Oral)

Challenge in the present petition has been directed against order dated 05.03.2016 passed by the Additional Civil Judge (Senior Division), Pehowa whereby suit for declaration with mandatory injunction and restoration of possession under Section 6 of the Specific Relief Act with consequential relief of permanent injunction was dismissed.

Counsel for the petitioner would inform that initially, the petitioner filed suit for declaration with consequential relief of permanent injunction in respect of house marked 'ABCD' situated at Ismailabad, Tehsil Ismailabad, District Kurukshetra but since during pendency of suit, he was dispossessed of the suit property, he amended the plaint to claim relief of restoration of possession under Section 6 of the Specific Relief Act.

Keeping in view the relief claimed by the petitioner in the original suit as well as by way of amended plaint, the proper remedy

available for the petitioner is to file an appeal while invoking the provisions of Section 96 of the Code of Civil Procedure. Accordingly, the petition stands disposed of but with liberty to the petitioner to avail appropriate remedy, in accordance with law. Since the petition has been disposed of in the aforesaid terms, application for condoning delay of 743 days in re-filing the petition is of academic relevance.

(Rekha Mittal)
Judge

27.02.2020
Mohan Bimbura

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No