

In the High Court of Punjab and Haryana at Chandigarh

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CR-790-2020 (O & M)

Date of Decision: February 03, 2020

LUCKY @ ANUJ BHUSHAN

....PETITIONER

VERSUS

DEEPA GOEL

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

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

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the order dated 08.01.2020 whereby the application preferred by the respondent-plaintiff for amendment of the plaint has been allowed.

Learned counsel for the petitioner contends that the amendment should not have been allowed as it changes the nature of the suit and the pleading which the respondent-plaintiff is seeking to incorporate in the plaint was within his knowledge and it could have been done at the time of filing the plaint.

Heard.

The respondent-plaintiff had filed a suit for mandatory injunction directing the defendant/petitioner to vacate the house measuring 36 sq. yards in plot No.16, Factory Area, Patiala. Although the issues had been framed but no evidence had been led by the plaintiff when the application for amendment had been moved and allowed by the impugned order. The respondent-plaintiff is seeking to incorporate various facts including that the petitioner-defendant is in occupation of the property as a licensee and he was inducted as such during

the life time of Late Mangat Rai. The petitioner is claiming to be a successor of late Mangat Rai. The amendment has been sought at the initial stage as no evidence has been led by the plaintiff. The petitioner-defendant will get adequate opportunities to respond to the amendment and lead evidence in his support.

Therefore, I do not find any illegality in the impugned order of the trial Court allowing the amendment application.

Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

February 03, 2020

A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No