

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

Sr. No.117

CR-2948-2021 (O&M)
Date of decision : 16.12.2021

Amritpal Singh

..... Petitioner

VERSUS

Prem Chand and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Aashish Chopra, Sr. Advocate with
Ms. Sugandha Kundu, Advocate, for the petitioner.

Mr. S.K. Singla, Advocate, for the caveator.

SUDHIR MITTAL, J. (Oral)

The petitioner is aggrieved because his application under Order 6 Rule 17 of the Code of Civil Procedure, 1908, for amendment of the plaint has been rejected. Certain land which is subject matter of the suit has been acquired during the pendency of the suit and the prayer for including this fact in the plaint has been rejected.

The trial Court has held that allowing the application for amendment of the plaint would not serve any useful purpose because the suit challenges certain sale deeds executed by the petitioner and in case, the challenge succeeds, he would be held to be the owner of the suit land. Thus, if any land has been acquired during the pendency of the suit, the petitioner would be entitled to compensation in respect of that land.

Learned senior counsel for the petitioner has submitted that some land was acquired earlier also and a similar application was filed, whereupon, order dated 07.12.2018, copy annexed as Annexure P-5, was

permitted to be included. Since, the present application is for an identical relief, the trial Court was in error in rejecting the same.

The argument cannot be accepted. If, the suit of the petitioner is decreed, the automatic result would be that he would be declared to be the owner of the suit land. Any acquisition during the pendency of the suit would entitle him to compensation for the same. The trial Court was justified in returning a finding that inclusion of this fact would serve no useful purpose. Merely because, it has been permitted earlier does not mean it should be permitted now too.

The revision petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

16.12.2021

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No