

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-260 of 2019(O&M)
Date of decision: 16.08.2022

Dharam Pal

..Petitioner

Versus

Harvinder Kumar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Satbir Rathore, Advocate
for the petitioner.

Mr. Ravi Chadha, Advocate
for respondent no.1.

ANIL KSHETARPAL, J(Oral)

The trial court has dismissed the application filed by the plaintiff for permission to carry out a formal amendment in the plaint in order to claim further relief. The plaintiff while filing the suit has sought the following relief:-

“It is, therefore, prayed that a decree of permanent injunction restraining the defendants from changing the nature of the suit property, cutting and removing the trees and dismantling the boundary wall and old structure from the suit land shown red in site plan indicated by letters ABCD and bounded as under:-

*North- House of Neck Chand
South-Plot of Jugal Kishore
East-Street Chowk
West-Street”*

During the pendency of the suit, an application for permission to amend the plaint was filed proposing the following amendments:-

- “(A) In the head note after the words suit land, add, “Also threatening to alienate/transfer the suit land permanently”.*
- (B) In prayer clause after the words suit land add, “And further restraining them from alienating/transferring the suit land permanently”.*
- (C) Add para No.8-A:- That during the pendency of this case*

i.e. On 07.07.2017 the defendants with an ulterior motive to further complicate the matter and to keep the applicant indulged in further litigation, are threatening to alienate/transfer the suit land permanently to some persons of village Palaki, Tehsil Mukerian, District Hoshiarpur for which the defendants have no right to do so as the suit property is Thakur Dvara which is a public religious place.”

The trial court dismissed the application on the ground that the proposed amendment, if allowed, will definitely change the entire nature of the suit and serious prejudice shall be caused to the defendants. The trial Court also observed that the plaintiff can avail separate remedy in order to seek relief sought by the proposed amendment.

This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

A bare look at the proposed amendment, it is evident that the plaintiff is only seeking an additional relief, which arose between the parties. The plaintiff only wants to add the relief of decree of injunction restraining the defendants from alienating the suit property. Such proposed relief, as sought, is with regard to the suit property arising between the same parties. The view of the trial court is myopic. The Court should avoid multiplicity of the suits. In the present case, if the plaintiff files a fresh suit, it will not only involve a huge cost but also result in wasting the precious time of the court. The additional relief sought arises directly from the issues which are already the subject matter of adjudication before the trial court.

Keeping in view the aforesaid facts, the order under challenge is set aside. The revision petition is allowed. The plaintiff is permitted to file amended plaint. The defendants will get an opportunity to file the written statement.

All the pending miscellaneous applications, if any, are also disposed of.

August 16, 2022

(ANIL KSHETARPAL)
JUDGE

nt

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>