

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-409 of 2020(O&M)
Date of Order: 06.04.2022

Balbir Singh

..Petitioner

Versus

Kashmir Singh (since deceased) through LRs and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. H.S.Batth, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

The petitioner herein is a defendant in a suit for grant of decree of permanent injunction restraining the defendants from changing the nature of the suit land during the pendency of the suit.

An application filed by the plaintiff for permission to amend the plaint, so as to incorporate the relief of mandatory injunction has been allowed. The plaintiffs assert that during the pendency of the suit, the defendant has raised some construction, therefore, they should not be permitted to amend the plaint.

The learned trial Court in exercise of its discretion has permitted the plaintiffs to amend the plaint so as to add the relief of mandatory injunction.

This Bench has heard the learned counsel representing the petitioner and with his able assistance perused the paper book.

The learned counsel representing the petitioner contends that the application for permission to amend the plaint was filed after

commencement of the trial, therefore, the amendment should not be allowed.

He relies upon the order passed by the Supreme Court in **Pandit Malhari Mahale vs. Monika Pandit Mahale and others (Civil Appeal No.189 of 2020, decided on 10.01.2020)**. He further contends that the application has been filed after a considerable delay, therefore it should not be allowed.

In the present case, the plaintiffs assert that the defendant has carried out the construction during the pendency of the suit. Such being the position, the trial Court even without an amendment is entitled to mould the relief so as to do complete justice between the parties.

Keeping in view the aforesaid facts, there is no substance in the argument of the learned counsel representing the petitioner.

Hence, dismissed.

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

April 06, 2022

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(ANIL KSHETARPAL)
JUDGE

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