

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 4585 of 2018

Date of Decision: 22.03.2022

Sanjiv Kumar and Others

... Petitioner(s)

Versus

Manohar Lal

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Mayank Mathur, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. The trial Court has permitted the plaintiff to seek relief of restitution of the possession as he alleges that he has been dispossessed during the pendency of the suit.

2. The learned counsel representing the defendants contends that after the commencement of the trial, the application for permission to amend the plaint was not maintainable in the absence of the evidence to prove due diligence.

3. Even in the absence of the amendment, the Court is entitled to mould the relief in order to put the plaintiff in the same position as he acquired on the date of filing of the suit. Furthermore, in the present case, only two witnesses have been examined by the plaintiff. The application for amendment has been filed only to bring to the notice of the Court, the subsequent development during the pendency of the suit. The Court is well

within its power to permit the necessary amendment in the pleadings in

order to do substantive justice and avoid multiplicity of the suits.

3. In view of the above, no ground is made out to interfere.

Hence, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

March 22, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No