

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

Sr. No.128

CR-750-2022 (O&M)

Date of decision : 07.03.2022

Modan Singh and others

..... Petitioners

VERSUS

Nirmal Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Gaurav Kalsi, Advocate, for the petitioners.

SUDHIR MITTAL, J. (Oral)

A suit for permanent injunction has been filed restraining the defendants from interfering in the use of pahi by the plaintiffs. Before commencement of the trial, the plaintiffs filed an application for amendment of the plaint for addition of word 'existing' before expression 'common passage' and also for adding a prayer for restraining the defendants from interfering in repair of pullies existing on an adjoining khal.

The application has been partly allowed. Prayer for addition of the word 'existing' has been accepted, but the prayer for additional relief has been rejected. The trial Court has held that addition of the word 'existing' is mere formality and would not change the nature of the suit in any manner. However, amendment asking for an additional prayer cannot be permitted as the khal on which the alleged pullies exist is not the subject matter of the suit.

Learned counsel for the petitioners has argued that the amendment would adversely affect the rights of the defendants. However, the submission does not appeal to logic, thus, the same is rejected.

The revision petition is accordingly, dismissed.

(SUDHIR MITTAL)
JUDGE

07.03.2022
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No