

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 2200 of 2022

Date of Decision: 30.05.2022

Darshan Lal

... Petitioner(s)

Versus

Balwant Singh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Mohit Garg, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. An application filed by the petitioner (plaintiff) for permission to amend the plaint has been dismissed by the trial Court.
2. The petitioner has filed a suit for grant of decree for symbolic possession by way of specific performance of the agreement to sell dated 12.04.2006 and 17.10.2008. During the pendency of the suit, a part of the suit land has been sought to be acquired by the Union of India, in exercise of powers under the National Highways Act, 1956 (hereinafter referred to as “the 1956 Act”). As already noticed, the petitioner’s application for amendment to claim the amount of compensation has been dismissed by the trial Court.
3. Heard the learned counsel representing the petitioner, at length and with his able assistance, perused the paper-book.
4. In the considered opinion of this Bench, there is no requirement to amend the plaint. There is a subsequent development which the Court is

required to take note of while disposing of the suit. The Court has enough powers to mould the relief. Fundamentally, the plaintiff claims that he is entitled to the ownership of the property. Once, some part of the property has been acquired, the plaintiff is entitled to compensation if the Court comes to a conclusion that he is entitled to decree for specific performance. Such relief, as already noticed, can be granted by the Court without any formal amendment, being carried out.

5. With the observations made above, the present revision petition is disposed of.

6. Since this order has been passed without issuing any notice to the respondents, they shall be at liberty to file an application for recall, if so advised.

(Anil Kshetarpal)
Judge

May 30, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No