

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116

CR-4831 of 2019 (O&M)
Date of Order: 13.05.2022

Ajitpal Singh @ Soni and another

..Petitioners

Versus

Asha Rani @ Santosh Rani and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Piyush Khanna, Advocate, for the petitioners.
Mr. Rakesh Gupta, Advocate, for respondent no.1.
Mr. Atul Jain, Advocate, for respondent no.2 to 4.

ANIL KSHETARPAL, J(Oral)

Defendant no.1 and 2 assail the correctness of the interlocutory order dated 08.03.2019, passed by the Civil Judge (Jr. Divn.), Patiala, while permitting the plaintiff to amend the plaint.

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

The learned counsel representing the petitioners contends that the nature of the suit has been permitted to be changed after commencement of the trial. He submits that originally the suit was only for the grant of decree of permanent injunction, whereas now the plaintiff by way amendment has sought declaration.

Per contra, the learned counsels representing the respondents have submitted that after the amendment, the plaint was filed. The defendant no.1 and 2 have already filed their counter claim and the major part of the evidence has already been led.

On reading of the plaint, it is evident that the parties, who are family members, are fighting over management, control and possession of

the temples. Originally, the plaintiff filed a suit on the basis of a settlement, however, she only sought decree of permanent injunction. Now only formal amendment to seek decree of declaration has been permitted. In the considered opinion of the Court, in a suit for permanent injunction of such nature, the declaration is in built in the suit itself.

It has also come to the notice of the Court that during the pendency of the suit, certain defendants were added subsequently. Furthermore, the trial of the suit has already made substantial progress and the petitioners have already filed counter claim.

In view thereof, no ground to interfere is made out.

Dismissed.

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

May 13, 2022

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(ANIL KSHETARPAL)
JUDGE

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