

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

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**CR No. 8141 of 2019 (O&M)  
Date of decision: 24.08.2022**

**Devi Dayal Kapoor (now deceased) through LRs**

**..Petitioner**

**Versus**

**Kaushal Kumar**

**..Respondent**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr.P.K.Ganga, Advocate, for the petitioner.  
Mr. Sandeep Punchhi, Advocate, for the respondent.

**ANIL KSHETARPAL, J(Oral)**

An application for permission to amend the plaint in order to make additional prayer has been dismissed. The learned counsel representing the petitioner (plaintiff) submits that the petitioner does not want to lead further any evidence. The petitioner initially filed a suit for grant of permanent injunction. While claiming that he has been forcibly dispossessed during the pendency of the suit, he has filed an application for adding the relief of possession. The court has dismissed the same.

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

The amendment sought is formal in nature. Once the learned counsel representing the petitioner has made a statement that he does not wish to lead any evidence, the court even in the absence of an amendment can mould the relief, if it ultimately comes to a conclusion that the plaintiff was dispossessed during the pendency of the suit.

Keeping in view the aforesaid facts, the order under challenge is set aside.

The plaintiff is permitted to amend the plaint. However, he shall not be granted any opportunity to lead further evidence as per his statement.

If the defendant wishes to lead evidence, he shall be granted one opportunity to conclude his entire evidence.

Disposed of accordingly.

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

August 24, 2022

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(ANIL KSHETARPAL)  
JUDGE

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|----------------------------------|---|---------------|
| <i>Whether speaking/reasoned</i> | : | <i>Yes/No</i> |
| <i>Whether reportable</i>        | : | <i>Yes/No</i> |