

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

121

2024:PHHC:052593

CR-1339-2019
Date of decision: 19.04.2024

JAISHREE ..Petitioner

Versus

VIKRAM BENIWAL AND ANOTHER ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Devender S. Punia, Advocate
for the petitioner.

Mr. Bhavnik Mehta, Advocate
for respondents.

ANIL KSHETARPAL, J(Oral)

1. In this revision petition, the petitioner (defendant in the trial Court) assails the correctness of the orders dated 16.01.2019, 28.01.2019 and 11.02.2029.
2. Vide order dated 16.01.2019, the trial Court has permitted the plaintiffs to amend the plaint in order to aver that during the pendency of the suit, some part of the land has been acquired by the Government. The plaintiffs suit for possession by way of specific performance of the agreement to sell is pending. Such development was necessary, hence, the amendment was allowed.
3. Vide order dated 28.01.2019, the Court has noted that the defendant was granted one opportunity to file written statement to the amended plaint, which has not been filed. Hence, the Court proceeded with the case.
4. Vide order dated 11.02.2019, the Court refused to recall orders dated 22.01.2019 and 29.01.2019. These are the orders daily passed by the

Court from time to time.

5. The learned counsel representing the petitioner contends that the amendment of the plaint has been allowed at a belated stage and the factum of acquisition of the land was to the knowledge of the plaintiffs. He further submits that on 28.01.2019, the Bar Association has resolved to abstain from appearance, hence, no order could be passed.

6. This Court has considered the submissions of the learned counsel representing the parties.

7. The amendment as already noticed, was necessitated because important fact was required to be brought on record by subsequent development, which took place during the pendency of the suit.

8. The acquisition of some part of the suit land is important for the decision of the case.

9. As regard the second contention, it may be noted that order has been passed by the Court on 28.01.2019, in the presence of the counsels.

10. The learned counsel representing the respondents submits that he has no objection if the defendant (petitioner herein) is granted one more opportunity to file written statement to the amended plaint.

11. Keeping in view the aforesaid concession of the learned counsel representing the respondents, the order dated 28.01.2019, is modified.

12. The petitioner will have one opportunity to file written statement to the amended plaint.

13. Disposed of accordingly.

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

April 19th, 2024

(ANIL KSHETARPAL)
JUDGE

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No