

141 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-4833-2023(O&M)

Date of decision :23.04.2024

Rupinderjit Singh

...Petitioner

Vs.

Prem Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Avtar Singh Bhatti, Advocate
for the petitioner.

Ms. Ruby Kaur, Advocate for
Mr. G.S. Chaneta, Advocate
for respondents No. 1 to 3.

ANIL KSHETARPAL, J. (Oral)

1. In this revision petition, the plaintiff assails the correctness of order passed by the trial Court on 01.07.2023 while dismissing his application for permission to amend the suit and seek relief of mandatory injunction or in the alternative suit for refund of Rs. 64,474/-.
2. It is the case of the plaintiff that he had taken the land measuring 1 acre 5 kanals 5 marlas on lease from the Gram Panchayat for a period of 01 year w.e.f. 29.05.2018, by paying Rs. 73,000/-. He prayed for decree of injunction restraining the defendants from interfering in his possession. During the pendency of the suit, the Local Commissioner was appointed, who reported that the plaintiff is in possession of only 1 kanal 15 marlas land. Thereafter, the plaintiff filed an application for permission to amend the plaint in order to seek relief of mandatory injunction or in the alternative for recovery of the part of the amount deposited by him. The trial Court has dismissed the application on

the ground that the relief sought in the amended plaint arised from separate cause of action and will result in changing the nature of the proceedings.

3. Learned counsel representing the petitioner contends that the alternative relief sought by the plaintiff is arising from same contract by which he was inducted as tenant. He submits that the amended relief sought is arising from the same series of transactions.

4. *Per contra*, learned counsel representing the respondents submits that the cause of action for the relief of refund is different and it would result in changing the nature of the suit.

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

6. Multiplicity of the suits is neither in the public interest nor in the interest of the institution. The proposed relief is arising from same transaction i.e. lease in favour of the petitioner. Moreover, it is not the respondents’ claim that the aforesaid relief has been sought beyond the prescribed time. The substance of the suit remains the same. There is no change in the substance of the suit. Only additional reliefs are sought by virtue of proposed amendment. Hence, there is no fundamental change in nature of the suit.

7. Keeping in view the aforesaid discussion, the revision petition is allowed. The impugned order is set aside. The plaintiff is permitted to amend the plaint. The respondents shall have liberty to file a written statement to the amended plaint and thereafter, the Court will proceed in accordance with law.

23.04.2024

neeraj

Whether speaking/reasoned :
Whether Reportable :

(ANIL KSHETARPAL)
JUDGE

Yes	No
Yes	No