

CS No. 454/19

Smt. Kamlesh & Ors Vs. Shiv Mandir Sanatan Dharma Sudhar Sabha
(Trust) & Ors.

20.08.2019

Present: Both the plaintiffs with Counsel Ms. Asha Gupta.

This suit was initially filed under Section 6 of the Specific Relief Act together with the reliefs of permanent injunction and damages/mesne profits. The plaintiffs were asked on 02.08.19 as to whether in a suit under Section 6 of the Specific Relief Act, the reliefs of permanent injunction and damages/mesne profits can be combined. Plaintiffs were asked to have reference to the judgment of Ravinder Chaudhary Vs. Kishan Kumar Pauchauri and Ors., 2018 (171) DRJ 138. The plaintiffs have today filed an application for amendment of the plaint. The amendment is that the prayer clause in the suit is limited to the relief of possession under Section 6 of the Specific Relief Act.

Heard. Perused. The suit is at the very initial stage. Summons have not yet been issued to the defendant. The amendment does not change the nature of the suit. The plaintiffs are not withdrawing any admission. There appears no reason as to why the amendments sought for should not be allowed. The amendment is necessary for the purpose of determining the real questions in controversy between the parties. Therefore, the aforesaid application for amendment of plaint is allowed. Amended plaint filed.

Now issues summons for settlement to the defendants on filing of PF/RC/speed post and authorized Courier and dasti be also given for 07.11.2019.

(MURARI PRASAD SINGH)
Addl. District Judge-03(East)
Karkardooma Courts-20.08.2019