

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2024
(@ Special Leave to Appeal(C) No(s). 7753/2023)

JOGENDER SINGH

Appellant(s)

VERSUS

GRAM PANCHAYAT & ORS.

Respondent(s)

O R D E R

Leave granted.

The appellant before this Court has filed a suit for permanent injunction against the respondents, to restrain them from constructing a stadium, as the stadium was sought to be constructed to the land which is adjacent to the Government Senior Secondary school.

During the pendency of the suit, the respondents continued the construction of a wall. Consequently, the plaintiff-appellant sought to amend the pleadings under order 6 Rule 17 CPC and prayed for demolition of subsequent construction, which was granted by the Trial Court.

The matter was taken in revision before the High Court, which set aside the order of the Trial Court. Aggrieved, the appellant has challenged the said order.

Heard learned counsel appearing for the parties.

Presently, the suit is pending before the Trial Court.

It is an undisputed fact that the application for amendment became necessary due to demolition of the wall of the school during

the pendency of the suit. It was, therefore, appropriate for the plaintiff to seek amendment of the suit before the concerned Court. The amendment was justified and it does not amount to changing the nature of the suit itself.

Under these circumstances, we cannot uphold the impugned order of the High Court and it is hereby set aside. It is also directed that the suit be decided expeditiously.

The appeal is disposed of in the above terms.

.....J.
[SUDHANSHU DHULIA]

.....J.
[AHSANUDDIN AMANULLAH]

New Delhi;
July 16, 2024.

ITEM NO.47

COURT NO.16

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Special Leave to Appeal(C) No(s). 7753/2023

(Arising out of impugned final judgment and order dated 12-01-2023 in CR No. 7031/2018 passed by the High Court Of Punjab & Haryana at Chandigarh)

JOGENDER SINGH

Petitioner(s)

VERSUS

GRAM PANCHAYAT & ORS.

Respondent(s)

IA No. 76876/2023 - EXEMPTION FROM FILING O.T.
IA No. 53723/2024 - EXEMPTION FROM FILING O.T.
IA No. 53721/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/
FACTS/ANNEXURES
IA No. 222533/2023 - STAY APPLICATION

Date : 16-07-2024 The matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SUDHANSHU DHULIA
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Mr. Basista, Adv.
Dr. Nirmal Chopra, AOR

For Respondent(s) Mr. Samar Vijay Singh, AOR
Ms. Sabarni Som, Adv.
Mr. Fateh Singh, Adv.
Mr. Aman Dev Sharma, Adv.

Mr. Soin Khan, Adv.
Mr. Raj Shekhar Sharma, Adv.
Ms. Alpana Sharma, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

(JATINDER KAUR)
P.S. to REGISTRAR

(RENU BALA GAMBHIR)
COURT MASTER (NSH)

[Signed order is placed on the file]

