

(2019) 03 SHI CK 0024
In the High Court Of Himachal Pradesh
Case No : CMPMO No. 476 Of 2018

Atma Ram & Another

APPELLANT

Vs

Janak Raj

RESPONDENT

Date of Decision : 26-03-2019

Acts Referred:

Code Of Civil Procedure, 1908 — Order 2 Rule 2, Order 6 Rule 17

Citation : (2019) 03 SHI CK 0024

Hon'ble Judges : Sureshwar Thakur, J

Bench : Single Bench

Advocate : Satyan Vaidya, Varun Chauhan, Sanjeev Suri

Final Decision : Dismissed

Judgement

Sureshwar Thakur, J

The defendants/petitioners herein are aggrieved by the dis- affirmative order being recorded upon the respondent's/plaintiff's application, cast under the provisions of order 6 rule 17 CPC, wherethrough, the espoused leave for adding in the plaint, the, paragraph averred therein, hence, stood granted. The application was moved subsequent, to, the aggrieved defendants hence instituting a written-statement to the plaint, (i) even if the afore application was belatedly instituted, and, when rather good and sound cause though was required to be averred in the application, in explication, of, the belated institution of the application, (ii) nonetheless given the purported acts of usurpation, and, invasions, via-a-vis, the suit khasra Numbers, being averred to occur, in the last week of April, 2017, (iii) hence subsequent to the initially instituted plaint, thereupon no explanation was either required to be averred or pleaded, in, the application at hand. The accrual of the causes of action in the plaintiff's suit, for permanent prohibitory injunction, obviously spark or rear a fresh dispute inter-se the contesting litigants, (iv) AND when the afore dispute, was rearable, only in the instant suit, than in any subsequent suit, necessarily for avoiding attraction thereat, of, the baulking mandate of Order 2 Rule 2 CPC, (v) thereupon the

espoused leave as granted, vis-a-vis, the afore espoused amendment, hence does not suffer from any illegality or impropriety. Further more, also when hence, the accruing of causes of action, vis-a-vis, the suit property are required to be reared in the same suit, hence, for avoiding multiplicity of litigation, inter-se, the legal combatants besides when the aggrieved defendants, would be, permitted to contest the validity, of, the subsequent accruing hence causes of action, and, would also upon the apposite issue struck, in consonance therewith, be permitted to adduce evidence thereon, thereupon when no palpable prejudice would encumber, upon, the defendants/petitioners herein, hence, there is no merit in the petition, and, the same is accordingly dismissed. All pending applications stand disposed of accordingly.