

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No. 1183 of 2014 (O&M)
Date of decision: April 21, 2015

Baldev Singh

...Petitioner

Versus

Lakhbir Singh and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

1. **Whether Reporters of local papers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest?**

Present: Mr. Randeep Singh, Advocate, for
Mr. Vipin Mahajan, Advocate,
for the petitioner.

Mr. A.S. Manaise, Advocate,
for the respondents.

K. KANNAN, J. (Oral)

1. The petition for amendment of the plaint was brought in a suit for specific performance by reference to Khasra No. 7, which, according to the petitioner, was omitted to be mentioned. The contention in defence was that the agreement was not true and in any event khasra No. 7 was not mentioned in the agreement itself and, therefore, cannot be amended.

2. The counsel for the petitioner affirms that he is not trying to add any additional extent but would only supply the reference to khasra number for the extent of property which is sought to be enforced. I will not find any serious prejudice could be caused by such addition and the fact that the agreement does not specify the same ought to be a matter of evidence on whether khasra number sought to be inserted was an accidental omission or

he was literally substituting different property which the party never contemplated to sell. The plaintiff's right for an adjudication for a property agreed to be sold cannot be knocked out at the threshold by denying the agreement.

3. The impugned order is set aside and the revision petition is allowed to provide for the amendment which is sought for. Needless to say that the defendants will have a right of bringing an amended written statement or additional written statement in the manner contemplated under Order 8 Rule 9 CPC and the court will allow for appropriate evidence for both sides and dispose of the case in accordance with law.

April 21, 2015
prem

(K.KANNAN)
JUDGE