

**CR-3290-2015 (O&M)**

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

**CR-3290-2015 (O&M).**

**Decided on: May 15, 2015.**

**Gurmeet Singh Sawhney through SPA Gagan Deep Singh  
Sawhney**

**..... Petitioner(s)**

**Versus**

**Kulbeer Singh**

**..... Respondent(s)**

**\* \* \***

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI**

**PRESENT Mr.Sanjeev Sharma, Advocate,  
for the petitioner.**

**M.M.S. BEDI, J (ORAL).**

This is defendant's revision petition against the order dated 3.3.2015, allowing the application under Order VI Rule 17 CPC, filed by the plaintiff-respondent permitting the amendment of a suit for injunction into a suit for specific performance and permanent injunction.

Counsel for the petitioner submits that the nature of the suit has been permitted to be altered by permitting amendment and that the trial Court has wrongly formed an opinion that earlier suit having been filed in haste could be permitted to be rectified by allowing the amendment.

Counsel for the petitioner has also submitted that the agreement of sale dated 8.1.2014, which has been sought to be added in the amended plaint was known to the plaintiff- respondent as such, no right could have been given to the plaintiff-respondent to

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enforce the alleged agreement of sale which was in the knowledge of the plaintiff- respondent.

I have heard the counsel for the petitioner and carefully gone through the impugned order and the nature of the original suit and the amended plaint. It transpires from the impugned order that while the controversy regarding interim injunction between the plaintiff- respondent and defendant- petitioner was pending, the plaintiff- respondent filed an application for amendment.

Without expression of any opinion whether nature of the suit has been changed by permitting the amendment enabling the plaintiff- respondent to incorporate the plea for specific performance of the agreement, it is pertinent to observe that the amendment has been sought at very initial stage before the commencement of the proceedings. Had the trial Court refused permission to amend the plaint to the plaintiff- respondent, a great prejudice would have been caused to him disentitling him to enforce his legal rights on the basis of the agreement of sale dated 8.1.2014 as per the provisions of Order II Rule 2 and constructive res judicata under Section 11 Explanation IV of the Code of Civil Procedure. By allowing the amendment, multiplicity of the litigation between the parties will be curtailed and will enable the Court to determine the real question in controversy between the parties. No serious prejudice having been caused to the defendant- petitioner on account of amendment having been sought at initial stage, I do not find any

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ground or circumstance warranting interference in the order allowing amendment of the plaint.

The petition is dismissed. Nothing mentioned in this order will prejudice the rights of the defendant- petitioner to raise all the pleas of facts and law. Dismissal of this petition will also not prejudice the rights of the petitioner at the time of final adjudication of the case.

**May 15, 2015.**  
**rka**

**(M.M.S. BEDI)**  
**JUDGE**