

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CR 3481 of 2015

Date of Decision: May 20, 2015

Amarjit Singh

.....Petitioner

Vs.

Paramjit Singh Nijjar and others

.....Respondents

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

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Present:- Mr.Dhirinder Chopra, Advocate
for the petitioner.

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

This is defendant's revision petition against the order dated December 6, 2014 invoking supervisory jurisdiction of this Court under Article 227 of the Constitution of India allowing the application under Order 6 Rule 17 CPC filed by the plaintiff- respondents No.1 to 3 in their suit for specific performance to incorporate the relief that the notice sent by defendant regarding agreement of sale having been terminated, was null and void.

Learned counsel for the defendant- petitioner has submitted that the amendment has been allowed at a belated stage after the commencement of the suit in violation of the provisions of Order 6 Rule 17 CPC.

I have heard learned counsel for the petitioner and carefully appreciated the controversy involved in the litigation. The plaintiff-respondents No.1 to 3 have filed a suit for specific performance to enforce the legal rights accruing from the agreement of sale dated September 17, 2005. The defendant- petitioner raised pleas to resist the enforcement of that right claiming that on account of conduct of the plaintiff-respondents No.1 to 3, the notice intimating termination of agreement of sale has been issued. The plaintiffs had not originally challenged the said notice but by way of amendment under Order 6 Rule 17 CPC, the legal plea is sought to be incorporated in order to bring the pleadings in consonance with the law laid down by the Supreme Court in **I.S. Sikander (D) by LRs Vs. K. Subramani and others**, 2014 RCR (Civil) 236.

Since the legal plea is sought to be incorporated by way of amendment, there appears to be no infirmity in the impugned order as the amendment is apparently necessary for determining the real question in controversy between the parties. It will avoid multiplicity of litigation. No doubt, some doubt would be caused but striking a balance between the delay and justice, the balance tilts towards justice. No ground is made out for interference.

Dismissed.

May 20, 2015
sanjay

(M.M.S.BEDI)
JUDGE