

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.431 of 2014

Date of Decision: 10.09.2015

Ramanpreet Kaur

.....Petitioner

Vs.

Navjeet Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE K.KANNAN

Present:- Ms.Geeta Sharma, Advocate for the petitioner.

Ms.Loveleen Dhaliwal, Advocate
for the respondent.

K.KANNAN, J.

This revision against the order allowing for amendment of a suit for specific performance for alternative relief of recovery of certain sums paid by the plaintiff to the defendant. The objection was that there is no reference at all in the plaint originally filed about payment of any sum and hence, the application for amendment ought not to be allowed. It is also contended that the property belongs to a minor and there could have been no lawful agreement.

I will not enter into an issue that will go into the merits of the claim of whether there was any express averment regarding payment of any sum or whether there could have been any lawful agreement of sell in respect of the minor's interest. The only point at issue is whether an amendment for recovery of money or damage could be brought in a suit for specific performance. Section 22 of the Specific Relief Act makes such an amendment possible at any point of time. There ought not to be therefore any objection regarding such an amendment and it will be always open for the petitioner to contend

possible.

Reserving the liberty to the petitioner to take up any plea by way of amendment to the written statement or an additional written statement contemplated under Order 8 Rule 9 CPC, insofar as such additional pleadings are possible in the light of amendment brought, I maintain the order and dismiss the revision petition but with the above liberty.

10.09.2015
anil

(K.KANNAN)
JUDGE