

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

**1. CR No. 451 of 2014**  
**Date of Decision : February 19<sup>th</sup>, 2015**

Amarjit Kaur .... Petitioner

Versus

Avtar Singh and others .... Respondents

**2. CR No. 1286 of 2014**  
**Date of Decision : February 19<sup>th</sup>, 2015**

Amarjit Kaur .... Petitioner

Versus

Avtar Singh and others .... Respondents

**CORAM : HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON**

Present Mr. Puja Chopra, Advocate,  
for the petitioner.

Mr. Sanjiv Gupta, Advocate  
for respondent No.2.

**Dr. BHARAT BHUSHAN PARSOON, J.**

By filing CR No. 451 of 2014, plaintiff-petitioner herein, has challenged order dated 26.11.2013 vide which her application for amendment of the plaint was dismissed in a suit for specific performance of the Agreement to sell dated 31.3.2006. It is claimed that only clerical error was to be rectified. It is averred that due to inadvertence and over-sight, date of agreement had wrongly been mentioned as '31.3.2006' instead of '1.4.2006' which is to be corrected and this does not change either cause of action or material and substantial question to be adjudicated in the suit. It is claimed that learned lower Court was influenced by the delay being caused in the suit.

2. In C.R. No. 1286 of 2014, challenge is to the order dated 7.2.2014, whereby evidence of the plaintiff-petitioner herein was closed by

order of the Court.

3. Perusal of the paper book reveals that no doubt, the suit was filed on 11.6.2007, but circumstances emerging during the pendency of the suit had resulted in impleadment of certain parties, which had caused consequential amendment in the plaint as well. So far as the proposed amendment is concerned, it only seeks to rectify clerical and inadvertent error for which there should not be any objection from the Court below. However, the defendants/respondents may be compensated by allowing costs in their favour.

4. Sequelly, order dated 26.11.2013 impugned in CR No. 451 of 2014 is set-aside and the revision petition to the extent that amendment sought in the application [Annexure P-3] only would be taken into consideration is allowed subject to payment of costs of Rs.5,000/- payable to the respondents herein.

5. Since the amendment in the plaint has been allowed, order dated 7.2.2014 is set-aside and C.R. No. 1286 of 2014 is also allowed. It is ordered that the contesting defendants-respondents would have an opportunity to file written statement restricting to the amendment allowed and the plaintiff-petitioner would be given opportunity to conclude her evidence after completion of pleadings of the parties and framing of fresh issues, if any.

6. As the suit pertains to the year 2007, the same would be decided within three months after completion of pleadings within 15 days of receipt of this order by conducting day-to-day proceedings, if required.

7. Both the petitions are allowed in the above terms.

**(Dr. BHARAT BHUSHAN PARSOON)**  
**JUDGE**

**February 19<sup>th</sup>, 2015**  
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