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

CR No.6110 of 2013

Date of decision: July 28, 2015

Darshan Singh and others

.....Petitioners

Versus

Harvinder Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Hemender Goswami, Advocate
for the petitioners.

Mr. Rahul Rampal, Advocate
for the respondents.

SABINA, J

Petitioners have filed this petition challenging the order dated 06.07.2013, whereby, application moved by the petitioners under Order 6 Rule 17 of Code of Civil Procedure, 1908 ('CPC' for short), was dismissed.

Learned counsel for the petitioners has submitted that the petitioners have filed suit for declaration. Before the defendants could file their written statement, petitioners had moved an application for permission to amend the plaint. By way of amendment, petitioners want to claim the relief of specific performance of agreement to sell in question and relief of possession.

Learned counsel for the respondents, on the other hand has opposed the petition and has submitted that the relief, now sought by the petitioners was time barred. Hence,

the application moved by the petitioners for permission to amend the plaint was rightly rejected by the trial Court.

In the present case, petitioners have filed suit for declaration to the effect that they were owners in possession of the property in question in pursuance to the agreement to sell dated 19.01.1981. During the pendency of the suit, petitioners moved an application for permission to amend the plaint. By way of amendment, petitioners want to claim the relief of specific performance of agreement to sell in question. Since in the present case, the agreement to sell in question is dated 19.01.1981 and the application for permission to amend the plaint was filed in October, 2012, the learned trial Court rightly held that the relief of specific performance sought by the petitioners by way of amendment of the plaint had become time barred. Therefore, the learned trial Court had rightly rejected the application moved by the petitioners for permission to amend the plaint, as the relief sought by them was apparently time barred.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

July 28, 2015

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