

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.2160 of 2016 (O&M)

Date of Decision.22.03.2016

Ram Karan and another

.....Petitioners

Vs.

Mool Chand Aggarwal and others

.....Respondents

Present: Mr. Rakesh Kumar Sharma, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The suit for injunction filed by an agreement holder was later sought to be amended by inclusion of prayer for specific performance. The date for completion of the sale deed was 23.08.2012 as per the agreement and there was a period available for three years for bringing a suit for specific performance. If in the original frame of suit filed on 26.09.2012 the plaintiff had only sought for relief of injunction and had not included the prayer for specific performance, he would have been literally barred from instituting a separate suit for specific performance by virtue of Order 2 Rule 2 CPC and if the plaintiff has, therefore, sought to include prayer for specific performance, he was trying to do what was appropriate, for otherwise the case would have been knocked off on a technical plea. The amendment has been allowed by the Court after being satisfied that there is no bar of limitation operating against him.

2. The order is perfectly justified and there is no scope for interference. The revision petition is dismissed.

(K. KANNAN)
JUDGE

March 22, 2016
Pankaj*