

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 3501 of 2016
Date of decision : May 19, 2016

Sadhu Singh (deceased) through L.Rs and others

..... Petitioners

Versus

Subhash Chander

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Ravish Bansal, Advocate
for the petitioners.

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?

Amit Rawal, J (oral).

The petitioner-defendant is aggrieved of the impugned order whereby amendment of the plaint for converting the suit from mandatory injunction into suit for specific performance on the ground that a valuable right has accrued has been allowed.

Learned counsel appearing on behalf of the petitioners submits that in case there was any breach, nothing prevented the respondents-plaintiffs to institute the suit for specific performance, therefore the amendment would not relate back to the filing of the suit, much less is barred by law of limitation.

I have heard learned counsel for the petitioners and appraised the paper book and of the view that the impugned order

allowing the amendment is required to be modified. It is clarified that the amendment of the suit converting the same from mandatory injunction to specific performance would not relate back from the date of filing of the suit i.e. 5.8.2011 but would be deemed to be considered from the date of allowing the application for amendment i.e. 19.2.2016 as it is settled law that the amendment will not relate back to the date of filing of the suit. This view of mine is fortified by the judgment rendered by Hon'ble Supreme Court in **Tarlok singh Vs. Vijay Kumar Sabharwal 1996 (8) SCC 367.**

With the aforementioned observations, the revision petition stands disposed of.

(AMIT RAWAL)
JUDGE

May 19 , 2016
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