

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

C.R. No.5277 of 2013

Date of Decision.17.03.2016

Dinesh Kumar

.....Petitioner

Vs.

Vinod Kumar

.....Respondent

Present: Mr. Johan Kumar, Advocate
for the petitioner.

Mr. Bikram Chaudhary, Advocate
for the respondent.

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. In a sui for injunction, the plaintiff sought for prayer for amending the relief of specific performance. That application was filed within a period of three years from the date when the agreement was required to be completed by execution of sale deed. If the application was brought within time, the defendant cannot be, in any way, prejudiced by an amendment which is brought by the plaintiff. The rejection of the application for amendment is erroneous. It is set aside.

2. The civil revision is allowed.

3. Needless to state that the defendant will file appropriate additional pleadings by way of amendment or additional pleadings under Order 8 Rule 9 CPC consequent to the amendment brought by the plaintiff for the relief of specific performance. By the process now done, the disability attached to the defendant for his defence being struck off is

removed and he will have the benefit of the additional pleadings in the manner that I have provided for.

(K. KANNAN)
JUDGE

March 17, 2016
Pankaj*