

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.6027 of 2016 (O&M)

Date of decision:15.09.2016

Pawan Kumar and others

... Petitioners

Vs.

Atul Aggarwal and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Munish Mittal, Advocate
for the petitioners.

AMIT RAWAL J. (Oral)

The petitioner-defendants are aggrieved of the impugned order dated 03.08.2016 (Annexure P-5), whereby, an application of the respondent-plaintiffs seeking amendment of the plaint, has been allowed.

Mr. Munish Mittal, learned counsel appearing on behalf of the petitioner-defendants submits that the suit is for specific performance of the agreement to sell dated 30.08.2010. Though the application has been moved at the initial stage by incorporating the amendment of the plaint in paragraphs 6, 9, 10 and 11 *vis-a-vis* date of execution of the agreement to sell on 03.09.2010 as the stamp papers were taken on 30.08.2010. This fact was in the knowledge of the respondents and therefore, cause of action of specific performance has changed which tantamounts to altering the nature of the suit. This fact has not been noticed by the Court below while allowing the application.

I have heard learned counsel for the petitioners and appraised the paper book and of the view that amendment sought is most innocuous as the suit is at the initial stage. The petitioners shall be at liberty to cross examine the respondent-plaintiffs on this aspect. I am of the view that amendment was necessary and has rightly been allowed which does not tantamount to change the cause of action and altering the nature of the suit.

With the aforementioned observations, the revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

September 15, 2016
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No