

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.6973 of 2016 (O&M)

Date of decision:20.10.2016

Dr. Samriti

... Petitioner

Vs.

Surjit Kaur and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Anil Chawla, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Petitioner-defendant No.2 is aggrieved of the impugned order dated 08.08.2016 (Annexure P-1), whereby, application of the respondent-plaintiffs to incorporate para no.4 at the end of the plaint, has been allowed.

Mr.Anil Chawla, learned counsel appearing on behalf of petitioner-defendant no.2 submits that by way of amendment, the respondent wants to set up a new case as the suit has been in the year 2011 and the amendment has been sought after more than 5½ years. . This aspect has not been taken care of by the Court below, thus, there is illegality and perversity in the impugned order.

I have heard learned counsel for petitioner/defendant No.2 and appraised the paper book and of the view that the amendment sought to be incorporated is most innocuous, explanatory and elucidative in nature as the suit is for specific performance and possession by way of agreement to sell.

The petitioner-defendant shall have a right to cross-examine the witnesses and rebut the same by filing an amended written statement. For the sake of brevity, amendment sought to be incorporated reads thus:-

“In fact, cheque no.006 for Rs.8, 00,000/- was again presented in the account and was encashed on 10.12.07 in the account of Gurpreet Singh and cheque no.007 for Rs.5,00,000/- was returned to the plaintiff by the defendants due to the reasons as it was wet with water & it was not presented in bank for encashment and the plaintiff again issued 2 cheques bearing no.009 for Rs.3 lacs which was encashed on 26.12.07 and other cheque no.0010 for Rs.2 lacs which was encashed on 16.1.08. Copy of the statement of account issued by the bank showing the said cheques, is attached herewith.”

No ground is made out for interference in the impugned order.

Accordingly, the revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

October 20, 2016

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Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No