

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR No.3461 of 2016(O&M)

Date of decision: 27.9.2017

Kusum Lata

.....Petitioner

VERSUS

Ravinder Kumar and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Shalender Mohan, Advocate for the petitioner.

Mr. Raj Kaushik, Advocate for the respondents No.1 to 3.

REKHA MITTAL, J.

The present petition directs challenge against order dated 21.04.2016 (Annexure P-4) passed by the Additional Civil Judge (Senior Division), Kharar whereby application of the respondents for amendment of plaint has been allowed to correct one of the khasra numbers of the land in dispute from Khasra No.16/2 to 6/2.

Counsel for the petitioner/defendant No.2 has submitted that suit for specific performance of agreement dated 03.10.2008 or in the alternative for recovery of Rs.1,15,00,000/- and consequential relief of injunction was filed in the year 2009. When the case was at the fag end of trial, the instant application (Annexure P-1) was filed for making correction in the head-note and prayer clause by changing khasra No.16/2 to 6/2. It is argued that claim of the respondents/plaintiffs seeking relief qua khasra No.6/2 on the date of filing of application for amendment is

barred by limitation, therefore, a serious prejudice shall be caused to the petitioner in case the order impugned is allowed to sustain.

Counsel representing the respondents has supported the impugned order with the submission that khasra No.16/2 was wrongly mentioned due to typographical mistake and the same has rightly been allowed to be corrected by the Court.

I have heard counsel for the parties, perused the paper-book particularly the order impugned.

Be that as it may, it is undisputed position of the case that the respondents/plaintiffs have filed the suit for possession by way of specific performance of agreement dated 03.10.2008. Counsel for the petitioner, in response to a query, has fairly informed that khasra number in question has been mentioned as 6/2 in the agreement dated 03.10.2008 propounded by the respondents/plaintiffs of which the specific performance has been sought through process of the Court. Under the circumstances, it is difficult to accept contention of the petitioner that allowing the amendment would amount to introducing a claim which is otherwise time-barred.

No other point has been raised.

For the foregoing reasons, the petition fails and is accordingly dismissed. However, the respondents/plaintiffs shall be liable to pay costs of Rs.5,000/-.

SEPTEMBER 27, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no