

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

**CR No.6079 of 2016
Date of Decision:13.12.2017**

Pargat Singh and another

...Petitioners

Versus

Robin Garg and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.H.R.Bhardwaj, Advocate for the petitioners.
Mr.Raman Goklaney, Advocate for respondent No.1.
Mr.N.S.Chahal, Advocate for respondents No.2 to 5.

ANIL KSHETARPAL, J. (ORAL)

Plaintiffs-petitioners are in the revision petition against the order, dismissing the application for permission to amend the plaint so as to change the date on which agreement of reconveyance was executed.

The plaintiffs filed a suit for specific performance of agreement of reconveyance, which bears the date, i.e. 12.1.2005. During the pendency of the suit, when the case was at the initial stage, plaintiffs filed an application for seeking amendment of the plaint to assert that this agreement bears the date of 12.1.2005 but in fact it was executed in the month of April 2005.

The learned trial court dismissed the application on the ground that date of agreement cannot be changed. Feeling aggrieved, plaintiffs-petitioners have approached this Court by way of revision petition.

I have heard the learned counsel for the parties at length and with their able assistance gone through the documents filed.

No doubt, the agreement of reconveyance bears the date on the top as 12.1.2005. However, it is the case of the plaintiffs that a wrong date was put by the predecessor of the defendant and in fact this writing was executed in the month of April 2005 after the plaintiffs, who are the farmers, had sold their crop through commission agency/firm owned by the predecessor of the defendant.

Taking into consideration the facts that the suit was at the initial stage and the amendment sought for was only explanatory in nature, the learned trial court committed a material irregularity in dismissing the application. Amendments in pleading before the commencement of trial are to be allowed more liberally.

In this case, the suit was filed on 29.5.2013 and the application for amendment was filed on 16.7.2014. At that stage even the issues had not been framed.

Taking into consideration the aforesaid facts, the present revision petition is allowed. The impugned order is set aside. Application for amendment shall stand allowed.

13.12.2017
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No