

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

**CR No.7694 of 2015
Date of Decision: 09.10.2017**

Ved ParkashPetitioner
Vs
M/s Glaze Buildcon Pvt, Ltd. and anotherRespondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Adish Gupta , Advocate
for the petitioner.

Mr. Hemant Saini, Advocate
for respondent No.1.

Mr. Jai Bhagwan Sharma, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner is aggrieved of the order dated 11.09.2015 passed by Civil Judge (Junior Division), Faridabad to the extent of directing the petitioner to file amended written statement to the corresponding paras of the amended plaint and to take legal objections in the preliminary objections.

[2]. Learned counsel for the petitioner submitted that once the nature of suit is allowed to be changed from suit for permanent injunction to a suit for specific performance, defendant is entitled to take all the pleas available to him in the written statement in accordance with law. New objections can be

taken as suit for specific performance is altogether a new suit.

[3]. According to learned counsel for the petitioner, law of extent and corresponding amendment in the written statement would not apply to the given situation in which the nature of original suit i.e. permanent injunction has been allowed to be amended to a suit for specific performance. This new suit would give rise to new cause of action for filing the written statement to the defendant and such a right cannot be curtailed only to the extent of filing amended written statement corresponding to the amended plaint and to take legal objections in the preliminary objections.

[4]. In my considered opinion, Civil Judge (Junior Division), Faridabad is not correct in limiting the rights of the defendant to file amended written statement corresponding to the amended plaint and to take legal pleas in the preliminary objections.

[5]. In view of above, this revision petition is allowed. Defendant/petitioner is entitled to file amended written statement in accordance with law.

[6]. Disposed of.

09.10. 2017

Prince

**(RAJ MOHAN SINGH)
JUDGE**

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No