

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

124

CR No.1283 of 2016 (O & M)
Date of Decision:16.05.2018

Amandeep Singh and others

...Petitioners

Versus

WWICS Estates Pvt. Ltd.

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikram Singh, Advocate
for the petitioners.

Mr. G.S. Bhatia, Advocate
for the respondent.

ANIL KSHETARPAL, J.(Oral)

Defendants-petitioners are in the revision petition against the order passed by the learned trial Court permitting the plaintiff to amend the prayer made in the suit so as to include the relief of possession by way of specific performance of the agreement to sell.

Learned Court has noticed that the plaintiff when filed the original suit had made a prayer for directing defendant Nos.1 and 3 to execute the sale deed pursuant to the agreement to sell. However, it was filed in the form of mandatory injunction. During the pendency of the suit, the defendants moved an application for rejection of the plaint. The plaintiff on noticing this fact moved the application. A reading of the original plaint shows that the plaintiff had pleaded the ingredients of a suit for specific performance of the agreement to sell. However, the form of the suit was wrong. This has been permitted to be corrected by way of impugned order.

The application for amendment was moved on 14.02.2011. As per the agreement to sell, the last date for execution and registration of sale deed was 28.02.2008, which is being disputed by the learned counsel for the respondent.

Be that as it may, even from 20.02.2008 the suit would be within limitation on the day application was filed.

In view thereof, there is no scope for interference.

Revision petition is dismissed.

16.05.2018
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(ANIL KSHETARPAL)
JUDGE

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