

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

**CR No.1772 of 2017 (O & M)
Date of Decision:-09.2.2018**

Pardeep Kumar

...Petitioner

Versus

Narainder Pal and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. K.K. Garg, Advocate
for the petitioner.

AMIT RAWAL J.(Oral)

The petitioner-defendant is aggrieved of the impugned order dated 09.12.2016 (Annexure P-4) whereby an application for amendment of the plaint at initial stage seeking specific performance of agreement to sell dated 1.8.2012 has been allowed by the trial Court.

Mr. K.K. Garg, Advocate learned counsel appearing on behalf of the petitioner has submitted that respondent No.1-plaintiff Narainder Pal son of Achhru instituted the suit against the petitioner-defendant No.2 seeking relief of specific performance of agreement to sell dated 01.8.2012, on 30.5.2016 whereas an application for amendment of the plaint was moved on 24.10.2016 by Rakesh Kumar son of Narainder Pal by saying that it should have been Rakesh Kumar son of Narainder Pal instead of

Narainder Pal. The aforementioned amendment was allowed but the Court has not taken into consideration the same. By allowing that application tantamount to substituting the previous name with the present one and the same would be barred by law of limitation and tantamounts to taking away the right already accrued in favour of petitioner-defendant and urges this Court to set aside the order.

I have heard learned counsel for the petitioner, apprised the paper book and of the view that there is no there is no illegality and perversity in the impugned order.

Provision of Article 21 of the Limitation Act is sacrosanct. Moreover it is yet to be seen that whether the time was essence of the agreement to sell as the agreement to sell was executed on 1.8.2012 whereas the suit has been filed in the year 2016. All these points would be adjudicated at the time of framing of the issues and therefore, no ground to interfere in the impugned order is made out.

Hence, the revision petition stands dismissed.

February 09, 2018
Vijay Asija

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No