

CR No.4778 of 2016 (O & M)
CR No.4779 of 2016 (O & M)

-1-

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

133

CR No.4778 of 2016 (O & M)
Date of Decision:18.05.2018

Sumeet Sood

...Petitioner

Versus

Amarjit Kaur and another

...Respondents

CR No.4779 of 2016 (O & M)

Sumeet Sood

...Petitioner

Versus

Amarjit Kaur and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Aditya Dassaur, Advocate
for the petitioner.

Mr. Monty Goyal, Advocate for
Mr. Inderjeet Singh Chawla, Advocate
for respondent No.1.

ANIL KSHETARPAL, J.(Oral)

By this common order, two revision petitions i.e. CR-4778 and
4779 of 2016 shall stand disposed of.

Learned trial Court has passed two separate orders on
08.07.2016. One order while allowing the application under Order 1 Rule
10 of the Code of Civil Procedure and the other while allowing amendment
of the plaint under Order 6 Rule 17 of the Code of Civil Procedure.

A reading of the order passed by the Court while allowing the

application under Order 6 Rule 17 of the Code of Civil Procedure establishes that the learned trial Court did not even consider that a suit for permanent injunction is being converted into a suit for specific performance of the agreement to sell. The Court allowed the application only on the ground that application under Order 1 Rule 10 of the Code of Civil Procedure has been allowed.

In the present case, suit for permanent injunction was filed on 11.02.2010. Application for amendment was filed on 21.05.2014. Through the application for amendment, the plaintiff wanted to convert a suit for permanent injunction into a suit for possession by way of specific performance of the agreement to sell.

In view of the aforesaid, this Court is of the considered opinion that both the orders are required to be set aside.

Let the learned trial Court re-decide the application after noticing all the facts.

With these observations, revision petitions are allowed.

18.05.2018
sheetal

(ANIL KSHETARPAL)
JUDGE

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