

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

124

CR No.6881 of 2014 (O & M)
Date of Decision:21.05.2018

Jasvir Singh

...Petitioner

Versus

Shankar Lal and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikas Kumar, Advocate
for the petitioner.

Mr. Ajay Jain, Advocate
for the respondents.

ANIL KSHETARPAL, J.(Oral)

Plaintiff-petitioner is in the revision petition against the order passed by the learned trial Court dismissing an application under Order 6 Rule 17 of the Code of Civil Procedure for permission to amend the plaint. There are four amendments sought for, out of which two are only typographical errors. The plaintiff initially by filing the suit prayed for decree of possession by way of specific performance of the agreement to sell.

Now he wants to replace the same with symbolic possession on the ground that he is already in possession of the property. Second amendment sought for is to correct the date of payment of earnest money. It is now sought to be added that earnest money was paid before the execution of the agreement to sell. The defendants do not dispute that the amount has been paid, although it is a stand that the aforesaid amount was given as a

loan and not as earnest money. Third amendment is with regard to presence of one of the defendant at the time when sale deed was to be executed and registered. Fourth amendment is again typographical error.

Learned trial Court has dismissed the application on the ground that a new case is being set out. It would adversely effect the case of the defendant.

This Court has heard the arguments of learned counsel for the parties. In the considered opinion of this Court, such like the amendments which have arisen from typographical mistakes or are procedural in nature, should be permitted to be carried out so that the parties can get their real dispute adjudicated upon.

It is not in dispute that the plaintiff is leading his evidence and the defendants is yet to lead their evidence.

In view of the aforesaid, the order under challenge is set aside.

Revision petition is allowed.

21.05.2018
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(ANIL KSHETARPAL)
JUDGE

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