

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

**CR No.904 of 2019(O&M)
Date of Decision: 07.02.2019**

Rakesh Kumar

.....Petitioner

Versus

Satish and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Dr. Naresh Kaushik , Advocate
for the petitioner.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner has challenged the order dated 08.01.2019 passed by Civil Judge (Senior Division), Sonapat vide which application under Order 6 Rule 17 CPC for amendment of plaint was allowed.

[2]. Initially, a suit for declaration with consequential relief of permanent injunction was filed by the plaintiff. In the said suit, an application under Order 7 Rule 11 CPC was filed by defendant No.1/petitioner. The said application was partly allowed by the trial Court and it was held that the suit of the plaintiff was in fact for specific performance of agreement to sell, but the same was cleverly drafted by giving character of suit for declaration. The inherent nature of the suit was in fact a suit for specific performance. Thereafter, the application for amendment

of plaint came to be filed.

[3]. Trial has not commenced, though issues were framed on 11.05.2017. No evidence of the plaintiff has been recorded as yet. In my considered opinion, indulgence granted by the trial Court in accepting the application under Order 6 Rule 17 CPC subject to payment of costs is not liable to be interfered with in this revision petition. This revision petition is accordingly dismissed.

07.02.2019

Prince

**(RAJ MOHAN SINGH)
JUDGE**

**Whether reasoned/speaking
Whether reportable**

**Yes/No
Yes/No**