

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

**CR-6175-2019 (O&M)
Date of decision: 27.09.2019**

Gurmit Kaur

...Petitioner

Versus

Balbiro

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sandeep Jain, Advocate,
for the petitioner.

Ritu Bahri, J.

Challenge in this petition is to the order dated 03.09.2019 (Annexure P-6) passed by the Additional Civil Judge (Senior Division), SBS Nagar, whereby application filed by plaintiff-petitioner under Order 6 Rule 17 CPC for amendment of plaint has been dismissed.

On a specific query, learned counsel for the petitioner informs that evidence of plaintiff and defendant has already been concluded and now the trial is fixed for final arguments.

Earlier, the petitioner had filed a suit for mandatory injunction, which was later on withdrawn. Thereafter, she filed the present suit for possession by way of specific performance on the basis of sale deed dated 07.11.2013. This suit was filed on 05.10.2016 i.e. within a period of three years. Now, by way of amendment, plaintiff-petitioner wants to add para No.7 (a) in the plaint to the effect that on failure of the defendant to get the sale deed registered, the plaintiff moved an application under Sections 34 & 36 of the Registration Act to the Sub Registrar, Banga. When no action was

taken by the said officer, the plaintiff made an application for return of the

sale deed, which was returned on 13.07.2016.

After hearing learned counsel for the petitioner, this Court is of the view that return of the sale deed by the Sub Registrar will not make a difference to the suit, as the suit has already been filed within limitation. Moreover, plaintiff-petitioner has led her evidence with regard to alleged agreement to sell and the trial is at the stage of final arguments. Thereafter, the amendment sought for, is not necessary for correct decision of the suit. In view of the said fact, application filed by the petitioner for amendment of the plaint has been rightly dismissed by the trial Court.

No merits.

Dismissed.

27.09.2019
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No