

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

123

CR-1219-2020
DATE OF DECISION: 20.02.2020

SHAMSHER BAHADUR @ SHAMMY KAPOOR ... Petitioner (s)

Versus

AVTAR SINGH ... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Ankur Ghai, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner-defendant has impugned the order dated 28.01.2020 passed by the trial Court whereby the application for amendment of the plaint preferred by the plaintiff-respondent has been allowed.

Learned counsel for the petitioner-defendant contends that the application for amendment had been filed after 13 years and, therefore, it could not have been allowed without any cogent reasons.

Heard.

The respondent-plaintiff had filed a suit for specific performance of an agreement to sell. It was stated in the suit that the respondent-plaintiff had paid an amount of Rs.2.5 crores towards earnest money. The suit was at the stage of examination of defendant witnesses when the application for amendment had been preferred. The trial Court has relied upon proviso 2 of Section 22 of the Specific Relief Act wherein it is stated that if the plaintiff has not claimed any relief for refund of the earnest money, the court may, at any stage of the proceedings, allow him to amend the plaint. The case is at the stage of evidence and, therefore, application for amendment of

the suit claiming alternative relief of refund of earnest money could have been allowed by the trial Court. Therefore, I do not find any manifest illegality in the order of the trial Court which stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

20.02.2020.
SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No