

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

CR-2394-2020

Date of decision:16.10.2020

Virender Singh

...Petitioner

Versus

Shiv Narain and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Gunjan Mehta, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The limited prayer of the petitioner in the present petition is to direct the trial Court, to decide the application dated 15.09.2020 (Annexure P-9) moved by the petitioner/plaintiff seeking amendment in the plaint dated 16.07.2002 (Annexure P-1) as well as judgment and decree dated 29.11.2011 (Annexure P-2), expeditiously.

Learned counsel for the petitioner states that after passing of the judgment and decree dated 29.11.2011, an appeal was preferred by the respondent/defendants, which was dismissed on 27.09.2018 by the Additional District Judge, Rohtak. Thereafter, the respondent/defendants filed RSA No.702-2019, RSA No.547-2019 and RSA No.2224-2019 before this Court, which are pending adjudication.

Learned counsel for the petitioner further states that during the pendency of the execution petition, vide order dated 23.01.2020, the

Executing Court has observed that the decree in question relates to execution and registration of the sale deed in favour of M/s Panchsheel House Building Society and the said Society as per the version of the decree-holder has rescinded the agreement with the plaintiff and as such, the appropriate remedy available to the petitioner/decreed-holder is to take proper recourse by seeking necessary amendment in his plaint as well as in the judgment and decree passed therein.

Learned counsel for the petitioner contends that the trial Court may be directed to decide the application filed by the petitioner expeditiously and in a time bound manner.

Notice of motion is not being issued to the respondents to prevent the delay of trial and to defray the costs of litigation.

Keeping in view the limited prayer of learned counsel for the petitioner, Civil Judge (Senior Division), Rohtak, is directed to decide the application of the petitioner seeking amendment in the plaint as well as judgment and decree, in accordance with law, preferably within two months from the date of receipt of the copy of this order.

Disposed of accordingly.

16.10.2020

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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No