

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

CR-1713-2017 (O&M)

Date of decision: 26.05.2022

Gurcharan Singh deceased through LRs

....Petitioner

Versus

Sukhmilap Singh Ratol

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. D.S.Gurna, Advocate for the petitioner

Mr. J.S.Brar, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

With the able assistance of the learned counsel representing the parties, the paper book of the case has been examined. The petitioner herein is a defendant. He assails the correctness of the interlocutory order past by the trial court on 7th December 2016 permitting the plaintiff to amend the plaint in order to claim additional damages. Originally, the plaintiff filed a suit for possession by way of specific performance of the agreement to sell. Subsequently, by an application, he gave up the relief of specific performance of the agreement to sell and confined the relief to the recovery of the amount. The plaintiff filed an application in terms of Section 21(5) of the Specific Relief Act, 1963, which has been allowed.

In view of the aforesaid, no ground to interfere is made out.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

26.05.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE