

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

CR-5961-2018 (O&M)

Date of decision: 13.09.2022

Savinder Kaur (since deceased) through Lrs and another

....Petitioners

Versus

Ajit Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Parveen Chauhan, Advocate for the petitioners

ANIL KSHETARPAL, J (Oral)

CM-19280-CII-2018

Allowed as prayed for, subject to all just exceptions. Legal representatives of the deceased petitioner no.1-Savinder Kaur, as mentioned in para 3 of the application, are permitted to be brought on record, for the purpose of prosecuting the present appeal.

Amended memo of parties is taken on record.

Main case

The petitioners herein are the defendants in a suit for specific performance of the agreement to sell. Originally, the plaintiff filed a suit for grant of decree of permanent injunction. Subsequently, he was permitted to amend the plaint and he prayed for decree for possession by way of specific performance of the agreement to sell. In para 5-A, the plaintiff asserted that he was always ready and willing to perform his part of the contract. While filing written statement to the amended plaint, the defendants did not give any reply to the assertions made in para 5-A. The parties have already concluded their evidence.

At that stage, defendants filed an application for permission to amend the written statement, which has been dismissed.

Primarily, the defendants are contesting the suit on the ground that the alleged agreement to sell is a result of coercion.

In the facts and circumstances of the case, it is considered appropriate to dispose of the revision petition while directing the trial court to decide the suit without taking adverse view of failure of the defendants to reply to the assertions made in para 5-A. The plea of readiness and willingness is required to be proved by the plaintiff in accordance with Section 16 of the Specific Relief Act, 1963. The failure on the part of the defendants shall not be construed as their admission.

Disposed of.

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

13.09.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE