

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-6705 of 2018 (O&M)
Date of decision: 22.11.2022

Kumari Nitika and others

..Petitioners

Versus

Sumitra Devi and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jai Vir Yadav, Sr. Advocate, with
Mr. Harsh Vardhan Ranga, Advocate
for the petitioner.

Ms. Priya, Advocate and
Mr. N.S.Brar, Advocate
for Mr. Rohit Mittal, Advocate
for respondent no.1.

ANIL KSHETARPAL, J(Oral)

1. A civil suit for grant of decree of declaration that the various sale deeds executed by the defendants in favour of each other are not binding on the rights of the plaintiffs with a consequential relief of mandatory injunction to get the sale deed registered in the name of the plaintiff is pending before the trial Court.

2. During the pendency of the aforesaid suit, the plaintiff's application for permission to amend the plaint in order to incorporate the relief of specific performance of the agreement to sell has been allowed by the trial Court.

3. This revision petition has been filed challenging the correctness of the aforesaid order.

4. This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the paper book.

5. The learned senior counsel representing the petitioner contends that the application for permission to amend the plaint has been filed after the expiry of limitation period as per the Limitation Act, 1963 for filing the suit for specific performance of the agreement to sell. Hence, he contends that the court has erred in permitting the plaintiff to amend the plaint.

6. After having evaluated the argument of the learned senior counsel representing the petitioner, this court is of the view that there is no substance in the present revision petition.

7. On a bare perusal of the unamended plaint, it is evident that the plaintiff sought relief of mandatory injunction directing the defendant no.2 to 6 to execute the sale deed in terms of the agreement to sell dated 06.10.2004, executed by their mother. By way of an amendment, only the format of the prayer has been permitted to be changed which, in substance, was already in existence.

8. Keeping in view the aforesaid facts, no ground to interfere is made out.

9. Hence, dismissed.

10. However, the petitioner shall have the liberty to take all the objections including the point of limitation and this order shall not be construed as the final expression on the merits of the case.

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

November 22, 2022

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*