

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

**CR-1358-2020 (O&M)**

Date of decision: 22.08.2022

Sawaran Singh

...Petitioner

Versus

Sumit Kumar @ Lovely and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Vishal Aggarwal, Advocate for the petitioner

Mr. Rajeev Dev Sharma, Advocate for respondent no.1 to 7

**ANIL KSHETARPAL, J (Oral)**

An application filed by the plaintiff for permission to amend the plaint in order to incorporate the relief of specific performance of the agreement to sell, has been dismissed. The plaintiff's suit for grant of decree of permanent injunction is based on the agreement to sell. He claims a decree of permanent injunction only on the basis of an agreement to sell. Such being the position, the plaintiff wants to add the relief of specific performance of the agreement to sell.

Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook. Learned counsel representing the respondents submits that the suit filed by the plaintiff is hopelessly time barred.

On the other hand, learned counsel representing the plaintiff-petitioner contends that as per the agreement to sell, the sale deed was to be executed within one month of the final decision in a pending civil suit. The Regular Second Appeal in the aforesaid civil suit is still pending. The question of limitation is a mixed question of law

and fact. The limitation for filing a suit for specific performance of the agreement to sell would begin to run from the date when the cause of action arises, which is again based on the bundle of facts put forth by the party.

Keeping in view the aforesaid facts, the order under challenge is set aside. The application filed for permission to amend the plaint is allowed. The requisite ad valorem court fee, if not already paid, shall be paid within a period of one month, from today.

The revision petition stands allowed.

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

22.08.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

**(ANIL KSHETARPAL)**  
**JUDGE**