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

**CR-5750-2018 (O&M)**

**Date of Decision: 02.05.2023**

M/s Mahesh Dal and Rice Mill

....Petitioner

Versus

M/s Kochar Land Developer (P) Ltd.

....Respondent

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

**Present:** Mr. Prince Goyal, Advocate  
for Mr. Karan Gupta, Advocate  
for the petitioner.

Mr. Rajat Singh, Advocate  
for Mr. Abhishek Singla, Advocate  
for the respondent.

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**ARUN MONGA, J. (ORAL)**

Petition herein is for setting aside order dated 29.05.2018 (Annexure P-1) passed by Ld. Additional Civil Judge (Sr. Divn.), Ambala, whereby an application filed by respondent/plaintiff under Order 6 Rule 17 CPC to correct the typographical and arithmetical error in calculation of balance land, has been allowed.

2. While issuing notice of motion my learned brother Raj Mohan Singh, J., passed the following order on 31.08.2018:-

*“Learned counsel for the petitioner contends that the suit land in the suit for specific performance is 6 kanals, 16 marlas for which legal notice was issued to the plaintiff/respondent and he has affixed the Court fee on the basis of suit land being 6 kanals 16 marlas. The proposed amendment in the plaint to the extent of suit land being 8 kanals 12 marlas i.e. for additional 4 kanals is barred by limitation on the date of filing of the application for amendment of the plaint.*

*Notice of motion for 28.11.2018.*

*In the meanwhile, trial Court is directed to adjourn the proceedings beyond the date fixed by this Court.”*

3.           The controversy herein is already summed up in the order above, which reflects that the opposition to the amendment is on the ground of limitation.
4.           In the premise, the revision is disposed of with the request to the Ld. Trial Court to first frame a preliminary issue of limitation *qua* the application for amendment of the plaint and render it finding on the same after respective evidence is adduced by both the parties and then proceed further with rest of the trial in accordance with law.
5.           Pending application(s), if any, shall also stand disposed of.

( ARUN MONGA )  
JUDGE

May 02, 2023  
*ashish*

|                            |        |
|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |