

CR-2154-2019 (O&M)

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. 2023:PHHC:066998

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2154-2019 (O&M)

Date of Decision :09.05.2023

Jaswinder Singh @ Jaswinder Singh Takhar
and another

....Petitioners

Versus

Vikrant Vikramjeet Sandhu
and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vishal Sharma, Advocate for petitioners.

Mr. Piyush Aggarwal, Advocate for respondent No.1.

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Harsimran Singh Sethi, J. (Oral)

CM-7386-CII-2019

Application is allowed as prayed for.

CR-2154-2019

1. Present civil revision petition has been filed challenging order dated 25.02.2019 (Annexure P/8) passed by learned Civil Judge (Senior Division), Mohali by which, the application filed by the respondents-plaintiffs under Order 6 Rule 17 of the CPC for the amendment of the plaint has been allowed.

2. Learned counsel for the petitioners-defendants submits that a suit was filed by the respondents-plaintiffs for specific performance of the agreement to sell dated 18.11.2013 and during the pendency of the said suit,

an application under Order 6 Rule 17 of the CPC was filed by the respondents-plaintiffs for amendment of the plaint on the ground that inadvertently while mentioning details of the property in question one khasra number could not be mentioned.

3. As per the respondents-plaintiffs after the acquisition, certain khasra numbers were changed and one of the changed khasra number could not be mentioned in the plaint, which is only an inadvertent typographical mistake. The said application for amendment qua adding the said khasra number has been allowed by the trial Court being inadvertent typographical error by the impugned order dated 25.02.2019 (Annexure P/8), which order is under challenge in the present revision petition.

4. Learned counsel for the petitioners-defendants submits that respondents-plaintiff should have been diligent enough to write the changed khasra number in the plaint and now mentioning the said khasra number will lead to change the entire nature of the suit, which is not permissible in the facts and circumstances of the present case.

5. Learned counsel for the petitioners-defendants submits that the defendants will not press the present revision petition in case, learned counsel for the respondents-plaintiffs undertakes before this Court that no further evidence will be led keeping in view the amendment allowed by the trial Court vide impugned order and the suit will be proceeded on the basis of the same evidence, which had already come on record in favour of the respondents-plaintiffs.

6. Learned counsel for the respondents-plaintiffs concedes before this Court that the parties have already led their evidence and keeping in

view the amendment allowed by the trial Court vide impugned order dated 25.02.2019 (Annexure P/8), no further evidence will be led.

7. Learned counsel for the petitioners-defendants submits that keeping in view the statement made by learned counsel for the respondents-plaintiffs, the present revision petition may kindly be disposed of having been not pressed any further.

8. Ordered accordingly.

May 09, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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