

CR-3484-2022

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

CR-3484-2022

Date of Decision: 29.05.2023

Ravi Arora

...Petitioner

Versus

Satvinder Pal Singh

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashish Aggarwal, Senior Advocate with
Mr. Govind Chauhan, Advocate
for the petitioner.

Mr. B.S. Bedi, Advocate for the respondent.

HARSIMRAN SINGH SETHI, J. (Oral)

The present petition has been filed challenging the order dated 26.04.2022 (Annexure P-6) by which the application filed by the respondent-defendant, for the amendment of the written statement so as to claim the rectification of the agreement to sell dated 08.01.2020, has been allowed.

Learned Senior counsel appearing on behalf of the petitioner submits that though in the present petition the challenge has been raised to the amendment allowed by the impugned order dated 26.04.2022 (Annexure P-6) but the said order is causing prejudice to the petitioner-plaintiff on an another account that even if the said amendment in the written statement is allowed, but the said amendment of the written statement is not being treated as a counter claim so as to extend the right in favour of the petitioner-plaintiff to file written statement to the said counter claim as raised in the written statement. The learned senior

counsel for the petitioner further submits that in case the amendment allowed by the impugned order is treated as a counter claim, the petitioner will not raise any grievance so as to challenge the said order but will seek a right to file the written statement to the counter claim as raised by the respondent in the amended written statement.

Learned counsel for the defendant-respondent, on the other hand, submits that the amendment allowed in the written statement qua the rectification of the agreement to sell dated 08.01.2020 is as a counter claim for all intents and purposes and neither respondent-defendant nor any competent authority has denied the right to the petitioner to file a written statement to the said counter claim.

Faced with this situation, learned counsel appearing on behalf of the petitioner submits that the present petition be disposed of having been not pressed with liberty to the petitioner-plaintiff to file appropriate written statement to the counter claim raised by the respondent-defendant in the amended written statement so as to raise all the objections to the said counter claim including the limitation for raising the said counter claim.

The learned counsel for the respondent-defendant raises no objection for the same.

Keeping in view the above, the present petition is disposed of having been not pressed any further with liberty as prayed for.

29.05.2023

ps-I

(HARSIMRAN SINGH SETHI)
JUDGE

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