

123 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:124840



CR-6369-2025 (O&M)
DATE OF DECISION : 11.09.2025

CHARAN SINGH ... PETITIONER
V/S
HARI SINGH (DECEASED) THROUGH LRS AND OTHERS
... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Deepak Aggarwal, Advocate for the petitioner.

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PARMOD GOYAL, J. (ORAL)

Petitioner-plaintiff is aggrieved by the impugned order dated 11.07.2025 passed by the learned Additional Civil Judge (Senior Division), Samrala vide which application preferred by petitioner-plaintiff under Order 6 Rule 17 CPC seeking amendment of plaint was dismissed.

2. Vide his application under Order 6 Rule 17 CPC, petitioner had sought relief of declaration claiming that mutation dated 17.07.2019 in favour of LRs of his father on the basis of natural succession is bound to be rejected and has also sought that he be allowed to seek specific performance of agreements-to-sell dated 31.01.1990, 19.04.1990, 02.01.1992, 20.09.2013 and 07.05.2015 entered in by defendants.

3. Learned Court below duly noticing the nature of amendment being sought by plaintiff vide impugned order dated 11.07.2025 concluded that prayer for specific performance of agreements-to-sell dated 31.01.1990,

19.04.1990, 02.01.1992, 20.09.2013 and 07.05.2015 is hopelessly time-barred and therefore, since the relief is time-barred, therefore, amendment cannot be allowed, as amendment would delay the proceedings.

4. I find no reasons to interfere in the impugned order. Admittedly, the initial suit preferred by plaintiff was suit for permanent injunction. The relief of specific performance should have been added by plaintiff at the time of filing suit for permanent injunction. It is also not in dispute that defendants have duly appeared and had filed their written statement and thereafter, issues were framed on 16.05.2023. Present application for amendment was only filed during plaintiff's evidence on 23.05.2025. Therefore, it clearly shows that present application was filed after 06 years of filing of suit and after two years from start of trial as issues were framed on 16.05.2023.

5. No doubt, Courts are liberal in granting amendment in plaint as the purpose for allowing amendments is to permit parties to take all possible pleas available to them and matter is properly adjudicated by the Courts. However, the liberal interpretation of Order 6 Rule 17 CPC is subject to exceptions as well as certain conditions. In case trial has already started, then amendment can only be allowed if due diligence has been shown by the party seeking amendment. Admittedly, in present case, applicant-plaintiff was always aware about agreement-to-sell for which he is now seeking specific performance. He kept mum for about 06 years and now wanting specific performance of agreements dated 31.01.1990, 19.04.1990, 02.01.1992, 20.09.2013 and 07.05.2015. Therefore, in present case it cannot

be held that plaintiff-applicant had acted with due diligence. Moreover, the relief of specific performance is barred by limitation.

6. In these circumstances, allowing amendment at this stage, would cause great prejudice to the case of defendants. Plaintiff after 06 years of filing suit is seeking to change the basic nature of suit and seeking enforcement of his time-barred claim, which on face of pleadings of the parties is clearly made out to be time-barred and no further enquiry is required to be made. Accordingly, no fault with the impugned order can be found. The judgements of Hon'ble Apex Court in **Rajesh Kumar Aggarwal and others vs. K.K.Modi and others; 2006 (2) RCR (Civil) 579, Puran Ram Vs. Bhaguram and another; 2008 (2) RCR (Civil) 499** and this Court in **Parvinder Singh @ Pinda and others vs. Didar Singh; 2018(3) PLR 699** and **Phul Pati Vs. Bhim Singh and another; 2016(4) Law Herald 3692**, referred by learned counsel for the petitioner are of no help to the case of petitioner as principles of law stated therein are not in dispute. It is in the facts and circumstances of the present case, the principles stated in the judgements have no applicability to the facts of present case.

7. Accordingly, the petition is dismissed. However, the factual observations made by this Court shall be restricted only for the purpose of deciding the present revision petition.

11.09.2025

Janki

(PARMOD GOYAL)
JUDGE

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