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

CR-7627-2019

Date of decision: 08.01.2025

Vicky

...Petitioner

Versus

Sunita @ Pooja (deceased) through LRs and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vinod Kumar Kaushal, Advocate for the petitioner.

Mr. Prateek Sodhi, Advocate for respondent No.1.

Mr. Kushagra Mahajan, Advocate for respondent No.6.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 13.08.2019 (Annexure P-1) passed by the Civil Judge (Junior Division), Amritsar allowing the application of plaintiff-respondent No.1 under Order 6 Rule 17 CPC for amendment of plaint.

2. Learned counsel for the petitioner has submitted that the primary reason for filing the present revision petition is that by virtue of the amendment, respondent No.1-plaintiff is seeking to add prayer for cancellation of sale deed which was executed in the year 1994 and challenge to which is barred by limitation.



3. On the other hand, learned counsel for the respondents has submitted that the petitioner was not executant to the said sale deed and thus, question of limitation does not arise.

4. During the course of arguments, a consensus has been arrived at between the parties and it has been jointly submitted that the impugned order be upheld and the present revision petition be disposed of by granting liberty to the petitioner to raise the plea of limitation and to pursue the said plea before the trial Court. It is also submitted that the respondent would not object in case the petitioner presses for framing of the issue of limitation.

5. Keeping in view the abovesaid facts and circumstances, the impugned order dated 13.08.2019 is upheld and the present revision petition is disposed of with the observation that it would be open to the petitioner to raise the plea of limitation in the amended written statement to be filed and in case of his doing so, it would also be open to the petitioner to press the framing of the issue of limitation which would not be opposed by counsel for the respondent. It is however made clear that this Court has not opined on the merits of the issue of limitation and the same would be considered independently by the trial Court after considering the evidence and the arguments raised by both the sides.

08.01.2025

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No