

ITEM NO.9 Court 6 (Video Conferencing) REVISED (APPEARANCE)  
SECTION IV-B

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 1828/2020

(Arising out of impugned final judgment and order dated 22-11-2019 in CR No. 6251/2018 passed by the High Court Of Punjab & Haryana At Chandigarh)

JOGINDER SINGH Petitioner(s)  
VERSUS  
SAROJ Respondent(s)

Date : 11-08-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO  
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Mr. Satish Kumar, AOR

For Respondent(s) Mr. Jagbir Singh Malik, Adv.  
Mr. Vivek Gupta, AOR

UPON hearing the counsel the Court made the following  
O R D E R

The respondent filed a suit for mandatory injunction. An application was filed by the respondent for an amendment of the plaint under Order VI Rule 17 of the Code of Civil Procedure, 1908 ('CPC') which was dismissed by the Trial Court. The respondent filed a civil revision before the High Court. The High Court by the impugned judgment allowed the civil revision. Therefore, the petitioner is before this Court.

Learned counsel appearing for the petitioner submitted that by the application filed by the respondent the entire cause of action is altered by

the amendment sought to be made to the plaint. The suit for mandatory injunction is altered into one of specific performance.

The High Court considered the pleadings and concluded that it was clear that the averments in the plaint relate to the enforcement of the agreement to sell dated 26.09.2011. The High Court also took note of the fact that the respondent pleaded readiness and willingness on her behalf for the execution of the sale deed pursuant to the agreement to sell. The High Court rightly accepted the submission of the respondent that the tenor of her case is to get the agreement to sell enforced. In respect of the point of limitation raised by the petitioner, the High Court concluded that limitation is a question of law and facts and, could be raised during the course of trial.

We are informed by the learned counsel for the petitioner that the plaintiff's evidence has been closed. We reiterate the finding recorded by the High Court that the petitioner is at liberty to raise the ground of limitation at the stage of arguments.

With the above observations, the special leave petition stands dismissed. Pending application(s), if any, shall stand disposed of.

(Geeta Ahuja)  
Court Master

(Anand Prakash)  
Court Master

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Mr. Satish Kumar, AOR

For Respondent(s) Mr. Vivek Gupta, AOR

UPON hearing the counsel the Court made the following  
O R D E R

The respondent filed a suit for mandatory injunction. An application was filed by the respondent for an amendment of the plaint under Order VI Rule 17 of the Code of Civil Procedure, 1908 ('CPC') which was dismissed by the Trial Court. The respondent filed a civil revision before the High Court. The High Court by the impugned judgment allowed the civil revision. Therefore, the petitioner is before this Court.

Learned counsel appearing for the petitioner submitted that by the application filed by the respondent the entire cause of action is altered by

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We are informed by the learned counsel for the petitioner that the plaintiff's evidence has been closed. We reiterate the finding recorded by the High Court that the petitioner is at liberty to raise the ground of limitation at the stage of arguments.

With the above observations, the special leave petition stands dismissed. Pending application(s), if any, shall stand disposed of.

(Geeta Ahuja)  
Court Master

(Anand Prakash)  
Court Master