



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

CR-56-2020 (O&M)

Date of decision : 29.04.2025

Tarsem Singh

...Petitioner

Vs.

Achhar Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. V. Chaitanya Rao, Advocate
Mr. Siddharth Sharma, Advocate
for the petitioner.

Mr. Naresh Prabhakar, Advocate
for respondents No. 2, 3 and 4.

ANIL KSHETARPAL, J. (Oral)

1. The plaintiff assails the correctness of the trial Court's order refusing permission to the plaintiff (petitioner herein) to amend the caption and the prayer clause of the plaint.

2. The plaintiff filed a suit for possession by way of specific performance of the agreement to sell dated 16.05.2001, which was allegedly executed by defendant No. 1, namely, Sh. Achhar Singh. The agreement is with respect to 01 kanal land, however, while filing the suit the plaintiff claimed possession of 02 kanals land alongwith constructed portion/house. He filed an application for permission to amend the caption and the prayer clause, which has been declined by the Court on the ground that the plaintiff previously filed an application for permission to amend but did not seek amendment.



3. The Court has also held that the plaintiff wants to introduce a new agreement and failed to show his due diligence.
4. Heard the learned counsel representing the parties at length and with their able assistance perused the paper-book.
5. The agreement to sell was allegedly executed by defendant No. 1 in favour of the plaintiff on 16.05.2001. The property agreed to be sold is reflected therein. If it is 01 kanal, the suit has to be decreed qua 01 kanal. The plaintiff only wants to correct the inadvertent error and as a matter of fact by amending the caption and the prayer clause, the relief sought will reduce to its original prayer.
6. Keeping in view the aforesaid facts, revision petition is allowed and the impugned order is set aside.
7. All the pending miscellaneous applications, if any, are also disposed of.

29.04.2025

neeraj

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No