



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

CR-2802-2025 (O&M)

Date of Decision : 08.05.2025

Yogender Kumar & Ors ... Petitioner(s)

Versus

Mahander Nath Batra & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ashish Gupta, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

1. The present revision petition has been preferred challenging the impugned order dated 05.04.2025 (Annexure P-5) whereby the application filed under Order 6 Rule 17 of the Code of Civil Procedure, 1908 for amendment of the plaint has been allowed.

2. The suit, in the present case, was for specific performance of a contract. However, the alternative relief was not sought. Thereafter, an application was filed for amendment of the plaint to the extent that the alternative relief for recovery was sought to be added. Vide the impugned order dated 05.04.2025 (Annexure P-5) the said application has been allowed. Aggrieved by the same, the present revision petition has been preferred by the defendant-petitioners.

3. Learned counsel for the defendant-petitioners would contend that the relief in the present case was time-barred and that the application has been filed after the issues had been framed.

4. I have heard the learned counsel for the defendant-petitioners.

5. In the present case the suit is for specific performance of a contract, declaration and consequential relief of permanent injunction. The suit itself is at the initial stage inasmuch as the evidence is yet to begin.

Section 22 of the Specific Relief Act, 1963 reads as under :

“22. Power to grant relief for possession, partition, refund of earnest money, etc. - (1) Notwithstanding anything to the contrary contained in the Code of Civil Procedure, 1908 (5 of 1908), any person suing for the specific performance of a contract for the transfer of immovable property may, in an appropriate case, ask for-

(a) possession, or partition and separate possession, of the property, in addition to such performance; or

(b) any other relief to which he may be entitled, including the refund of any earnest money or deposit paid or 1 [made by] him, in case his claim for specific performance is refused.

(2) No relief under clause (a) or clause (b) of sub-section (1) shall be granted by the court unless it has been specifically claimed:

Provided that where the plaintiff has not claimed any such relief in the plaint, the court shall, at any

*stage of the proceeding, allow him to amend the
plaint on such terms as may be just for including a
claim for such relief.*

*(3) The power of the court to grant relief under clause (b)
of sub-section (1) shall be without prejudice to its powers
to award compensation under section 21.”*

6. Proviso to Section 22 of the Specific Relief Act, 1963 specifically states that where the plaintiff had not claimed any alternative relief, the Court shall at any stage of the proceedings allow him to amend the plaint. In view of the specific provision of law as enumerated in Section 22 of the Specific Relief Act, 1963, no fault can be found with the impugned order.

7. In view of the above, I do not find any merit in the present revision petition. The same being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

08.05.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO