



HIGH COURT OF CHHATTISGARH AT BILASPUR

FA No. 226 of 2016

Smt. Sangita Thakur **versus** Pankaj Kumar Ojha (Died) through LRs.

Order Sheet

14/10/2025	Mr. Somnath Verma, counsel for the appellant. None appears for respondents. Heard on IA No.4 of 2025 which is an application under Order 6 Rule 17 of CPC for amendment in Memo of Appeal. Appellant has filed application for amendment in Memo of Appeal and to add following in prayer clause: “If for any reason this Hon’ble Court declines to grant decree of specific performance, may kindly be ordered to refund earnest money with the interest at the rate of 12% per annum from the date of agreement to sale as per provision of Section 22 of the Specific Relief Act, 1963.” Appellant is plaintiff who filed suit for specific performance of contract against respondent/defendant. In plaint, appellant/plaintiff has sought relief for specific performance of contract to get the

sale deed of part of land measuring 0.07 acre from kh. no.25/3 to be executed and in avoiding execution of sale deed, to get sale deed executed through Court after getting balance amount deposited. Second relief which is sought is of permanent injunction restraining the defendants from interfering with the possession of plaintiff. No other specific relief is sought for in the plaint.

Section 22 (2) of the Specific Relief Act, 1963 provides that no relief under clause (a) or (b) of sub-section (1) shall be granted by the Court unless it has been specifically claimed. Sub-section (1) (b) of Section 22 envisages that "any other relief to which he may be entitled including refund of earnest money or deposit paid or made by him in case his claim for specific performance is refused". There is no specific relief prayed for by plaintiff/appellant in suit for refund of money and therefore in absence of relief claimed in plaint, no relief can be granted to appellant as sought to be added in memo of appeal by way of amendment. Cause of action is pleaded to have been arisen in month of July 2012 and the application seeking a relief sought to be amended in memo of appeal for refund of earnest money with interest is filed before this Court only on 15.07.2025 i.e. beyond period of 12 years of cause of action .

For the foregoing discussions, I do not find any good ground to allow the application for amendment in relief clause of memo of First Appeal.

Accordingly application (IA No.4/2025) is dismissed.

As prayed by learned counsel for appellant, list this case in the month of **January 2026**.

Sd/-
(Parth Prateem Sahu)
Judge