



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

120

CR-3743-2017 (O&M)
Date of Decision:-12.05.2026

Narain Dass

... Petitioner

Versus

Anant Ram

... Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Liaqat Ali, Advocate for the petitioner.

Mr. Ramesh Sharma, Advocate for the respondent.

PANKAJ JAIN, J. (Oral)

1. The present revision petition is directed against order dated 21.02.2017 passed by learned Civil Judge (Junior Division), Nakodar (Annexure P-6), whereby an application filed by the plaintiff under Order VI Rule 17 CPC read with Section 151 CPC seeking amendment of the plaint stands declined.
2. The plaintiff filed suit for possession by way of specific performance of agreement to sell dated 09.03.1994. The defendant was, however, proceeded against *ex parte*.
3. Learned counsel for the plaintiff suffered statement restricting his claim to be for alternative relief of recovery of Rs.75,000/- (Annexure P-3). The suit was decreed on 21.3.2012 by learned Additional Civil Judge (Senior Division), Nakodar vide *ex parte* decree.



4. The *ex parte* decree was later on set aside on the application filed by the defendant. Thereafter, the plaintiff filed an application under Order VI Rule 17 CPC read with Section 151 CPC seeking amendment of the plaint. The proposed amendments read as under:

“5. That the following amendments are required to be made in the original plaint:-

- (i) That at the first page of the plaint in the first line of head-note A of the original plaint, after the words "decree" and before the words "of specific performance", the words/line "of possession by way" is liable to be deleted. Similarly at the first page of the plaintiff in the second line of head-note A of the original plaint, after the words "agreement to sell" and before the "dated 09/03/1994" the words/line "/unregistered sale deed", is liable to be inserted.*
- (ii) That head-note "B" of the original plaint is liable to be deleted.*
- (iii) That in the second line of para no. 2, after the words "agreement to sell and before the words "their ", the words/line "/unregistered sale deed is liable to be inserted.*
- (iv) That in the second last line of para no.5, after the words "decree" and before the words "by way of", the words/line for possession" is liable to be deleted.*
- (v) That para no.6 of the original plaint is liable to be deleted and in it's place, the following new para is liable to be inserted:-*

"That it is worthwhile to mention here that out of whole of the subject matter of the unregistered sale deed dated 09/03/1994, 10 Marias of property falls within a Lal-lakir whereas 5 Marlas bears khasra no.13//18(3K 17MLs). Since in the revenue records, name of the defendant and his brother Ram Parkash i.e. executor of unregistered sale deed dated 09/03/1994 was continue to appear in the column of ownership despite of the fact that they have executed an unregistered sale deed dated 09/03/1994 pertaining to the same in favour of plaintiff's



predecessor-in interest in suit property and same was casting a serious clouds on the rights of plaintiff over suit property. So, Plaintiff has filed the present suit for getting execution of registered sale deed in his favour on the basis of unregistered sale deed, against only the defendant Anant Ram as Ram prakash i.e. the other executor of unregistered sale deed dated 09/03/1994, has already executed a regd. Sale deed dated 8/09/2009 in favour of the plaintiff on the basis of unregistered sale deed dated 09/03/1994 and mutation on the basis of said sale deed was also sanctioned in favour of the plaintiff on the basis of same. In other words, plaintiff wants to get execution of only registered sale deed in his favour from the defendant by filing the present suit on the basis of unregistered sale deed dated 09/03/1994 for giving effect to the letter and spirit of unregistered sale deed dated 09/03/1994. But plaintiff's previous counsel had also claimed the alternative relief of recovery in the present case due to best reason known to him despite of the fact that plaintiff has given specific instruction to his previous counsel that plaintiff only wants registered sale deed from the defendant by filing the suit for specific performance on the basis of unregistered sale deed as plaintiff has already constructed a house over the property in suit by incurring his hard earned money on the same. Not only this, plaintiff's previous counsel has also suffered statement in the court without any instruction from the plaintiff that he restricts his claim to the alternative relief of recovery which amounts to dereliction of legal duty on his part. Now plaintiff changed his previous counsel and came to know about the true state of affairs. It is further added here that Plaintiff is not conversant with English language and he did not take any action against his previous counsel keeping in view his future carrier ahead. So, keeping in view all the facts mentioned supra, a decree for execution of regd. Sale deed be passed in favour of plaintiff otherwise he will suffer much in terms of money and otherwise and it will also result into undue enrichment of the defendant.



(vi) *That new para 6A is liable to be inserted in the original plaint:-*

6A. *"That during the pendency of litigation of present suit, defendant Narain Dass has also executed a registered sale deed dated 17/04/2015 of suit property in favour of One Nisha wife of Raj Pal who is none other than the daughter-in-law of the defendant and is aware of the unregistered sale deed dated 9/03/1994 of suit property in favour of plaintiff from defendant Anant Ram being daughter in law of defendant. Even otherwise, said sale deed is hit by doctrine of Lis Pendens. Moreover. Possession of the plaintiff over the suit property I a constructive notice of title of the plaintiff over suit property to the whole the world including said Nisha". So, said Nisha will be equally bound by the decision of the present case as plaintiff and defendant as she has purchased the suit property during the pendency of the present suit with the knowledge of plaintiff's title over suit property.*

(ii) *that following new para 7A is liable to be inserted in the plaint:-*

7A. *The plaint has been amended as per order of the Hon'ble Court."*

5. The defendant contested the application. Learned Trial Court dismissed the application holding that since the plaintiff himself relinquished his claim qua the main relief and the claim only survives qua recovery, the proposed amendments cannot be allowed.
6. The plaintiff/petitioner has assailed the order passed by learned Trial Court. Learned counsel for the plaintiff/petitioner submits that the claim in the suit was restricted only qua the alternate relief on the statement made by counsel without consulting the plaintiff. The plaintiff is a Non Resident Indian (NRI)



and was not aware of the statement made by his counsel in his absence. He cannot be made to suffer for statement made by his counsel.

7. In the considered opinion of this Court, the plea raised by Mr. Liaqat Ali, Advocate for the petitioner does not merit acceptance. He is not in a position to deny that the plaintiff was in the knowledge that the suit has been decreed in his favour. The *ex parte* decree was only qua the recovery.
8. In these circumstances, once the plaintiff himself has relinquished his claim qua the main relief of specific performance, learned Trial Court rightly rejected the proposed amendment, which the plaintiff sought to incorporate in the plaint by way of filing an application under Order VI Rule 17 CPC read with Section 151 CPC. It is nothing but an attempt made by the plaintiff to re-incorporate the relief, which he had already abandoned by making a statement on 21.3.2012.
9. Finding no merit in the present revision petition, the same is ordered to be ***dismissed.***

12.05.2026

Pankaj

**(PANKAJ JAIN)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No