

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 19850/2025

1. Harsahay S/o Late Shri Harnath, Aged About 63 Years, Resident Of Dhauwas, Tehsil And District Jaipur (Raj.)
2. Jagdish S/o Late Shri Harnath, Aged About 57 Years, Resident Of Dhauwas, Tehsil And District Jaipur (Raj.)
3. Nanu S/o Late Shri Harnath, Aged About 52 Years, Resident Of Dhauwas, Tehsil And District Jaipur (Raj.)
4. Raju S/o Late Shri Harnath, Aged About 55 Years, Resident Of Dhauwas, Tehsil And District Jaipur (Raj.)
5. Devkaran S/o Narsingh, (Deceased During Case)
- 5/1. Jainarayan Sharma S/o Late Shri Devkaran, Aged About 52 Years, Resident Of Dhauwas, Tehsil And District Jaipur (Raj.)
- 5/2. Boduram Sharma S/o Late Shri Devkaran, Aged About 47 Years, Resident Of Dhauwas, Tehsil And District Jaipur (Raj.)
- 5/3. Kaluram Sharma S/o Late Shri Devkaran, Aged About 43 Years, Resident Of Dhauwas, Tehsil And District Jaipur (Raj.)

----Petitioners/Defendants

Versus

1. Mitra Grih Nirman Sahakari Samiti Ltd., Jaipur Registration No. 603/I Through President Shri Rameshwar Kumawat S/o Shri Nandkishore Kumawat R/o Pawan Tower, Sodala, Ajmer Road, Jaipur.

Respondent/Plaintiff

2. Chhitar S/o Shri Chatra, Resident Of Dhauwas, Tehsil And District Jaipur (Raj.)
3. Harsahay S/o Shri Chatra, Resident Of Dhauwas, Tehsil And District Jaipur (Raj.)
4. Satyanarayan S/o Shri Chatra, Resident Of Dhauwas, Tehsil And District Jaipur (Raj.)
5. Ram Babu S/o Shri Chatra, Resident Of Dhauwas, Tehsil And District Jaipur (Raj.)

----Respondents/Defendants

For Petitioner(s) : Mr. Ram Chandra Sharma
For Respondent(s) : Mr. R.K. Daga

HON'BLE MR. JUSTICE BIPIN GUPTA
Judgment / Order

16/03/2026

1. The present writ petition has been filed assailing the order dated 20.11.2025 passed by the learned Additional District and Sessions Judge No. 7, Jaipur Metropolitan-II, Jaipur, whereby the

application filed by the plaintiff–respondent under Order VI Rule 17 CPC seeking correction of the date and certain facts relating to the agreement to sell was allowed. The date of the agreement to sell, which had been incorrectly mentioned as 15.07.1987, was permitted to be corrected as 15.08.1987.

2. Learned counsel for the petitioner contends that such amendment has been allowed after 12 years from the filing of the suit and during the course of the cross-examination of the plaintiff. It is further submitted that by permitting such amendment, the nature of the suit stands altered and the petitioner’s right to effectively defend the case would be prejudiced. Therefore, he prays that the order dated 20.11.2025 be quashed and set aside.

4. Per contra, learned counsel for the respondent submits that the suit is for cancellation of the sale deed. It is further submitted that on the basis of the agreement to sell dated 15.08.1987 (incorrectly mentioned as 15.07.1987), a decree has already been passed in favour of the respondent. He contends that the incorrect date has rightly been permitted to be corrected as such correction neither changes the nature of the suit nor causes any prejudice to the petitioner.

5. Learned counsel for the respondent, therefore, submits that the learned Trial Court has rightly passed the order dated 20.11.2025. He has placed reliance upon the judgment of the Hon’ble Supreme Court in **Life Insurance Corporation of India v. Sanjeev Builders Private Limited & Another**, (2022) 16 SCC 1, wherein the Hon’ble Supreme Court has laid down the

principles governing the circumstances in which amendments ought to be allowed or refused.

6. This Court finds that there exist no reason available as elaborated in the case of **Life Insurance Corporation of India** (supra) so as to deny the amendment. Therefore, this Court finds that the amendment has rightly been allowed. However, looking to the fact that the amendment which has been sought was sought by delay by the respondent petitioner and no cost has been imposed on the plaintiff-respondent. This Court deems it appropriate to impose cost of Rs.10,000/- on the respondent. Before taking any amended plaint on record, the plaintiff-respondent shall pay a cost of Rs.10,000/- to the petitioner-defendant.

7. With the above observations, the present Civil Writ Petition stands disposed of.

8. Pending application(s), if any, also stand disposed of.

(BIPIN GUPTA),J