



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

(126)

CR-3044-2026 (O&M)

Date of Decision: **08.04.2026**

MANOJ CHOPRA

... Petitioner

Versus

INDERJEET SINGH AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Kartar Singh, Advocate
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. The petitioner has preferred this revision petition under Article 227 of the Constitution of India, invoking the supervisory jurisdiction of this Court to challenge the order dated 09.03.2023. The impugned order was passed by the learned Civil Judge (Junior Division), Faridabad, whereby the petitioner's application for the amendment of the plaint was formally rejected. The petitioner contends that the trial court failed to exercise its jurisdiction properly in denying the amendment, which the petitioner asserts is vital for the complete adjudication of the underlying dispute.

2. The factual background involves a suit for permanent injunction instituted by the petitioner-plaintiff. The dispute originates from a Memorandum of Understanding (MOU) executed on 17.06.2017 between the petitioner and respondent No. 1 regarding the construction of



a building on a specific plot. According to the petitioner, the structural work was completed in accordance with the MOU, incurring total expenses of ₹45,05,800/-. However, respondent No. 1 allegedly remitted only ₹24,92,000/-, leaving an outstanding balance of ₹20,13,800/-. Despite a legal notice served in 30th July and 04th August 2018 and subsequent requests for payment, the respondents remained non-compliant. Consequently, the petitioner sought an injunction to restrain the respondents from proceeding with the remaining construction work.

3. During the pendency of the litigation, the petitioner filed an application to amend the plaint to include a prayer for the recovery of the principal sum of ₹20,13,800/- along with *pendente lite* interest at the rate of 24% per annum. The respondents contested this application, leading the learned Trial Judge to dismiss the request. In the present revision, the petitioner argues that the omission of the recovery relief in the original prayer clause was due to unavoidable circumstances and that the suit remains at an initial stage, justifying the proposed modification.

4. Upon review of the impugned order, it is evident that the learned Civil Judge premised the dismissal on the grounds of statutory limitation. The plaintiff had explicitly pleaded in the original plaint that a legal notice for recovery was served as early as August 2018, thereby establishing that the cause of action for recovery accrued at that time. However, the amendment application was not moved until 03.02.2025 a delay of over six years and six months from the accrual of the cause of action. Given that the prescribed limitation period for a recovery suit is



three years, the trial court found the proposed amendment to be a clear violation of Section 3 of the Limitation Act, 1963.

5. The record suggests that the petitioner was fully cognizant of the right to seek recovery at the time the initial suit for permanent injunction was filed but chose not to do so. There is no evidence to demonstrate that the petitioner exercised due diligence or was prevented by any legitimate hurdle from seeking the amendment within the permissible period of limitation. Since the proposed claim for recovery is now hopelessly time-barred, the learned Civil Judge's decision to decline the amendment lacks any illegality or perversity that would warrant interference by this Court.

6. Accordingly, this Court finds the revision petition to be devoid of merit and the same is hereby **dismissed**.

6.1. It is, however, clarified that the observations recorded herein are intended solely for the adjudication of this revision and do not constitute an expression of opinion on the substantive merits of the main dispute.

7. All pending miscellaneous applications are also disposed of in light of the final adjudication of this matter.

08.04.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No