

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

Date of decision:18.02.2015

Amit Jain

.....Petitioner

v.

Gurpreet Singh

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Vinish Singla,Advocate for the petitioner

Jaswant Singh,J.(Oral)

Plaintiff is in revision against concurrent orders passed by both the Courts below whereby in a suit for specific performance his application for temporary injunction to restrain the defendant/vendor from alienating the suit land has been disposed of with the specific direction to the vendor that in case he sells the property out of the suit land, recital regarding pendency of the present suit shall be incorporated in the sale deed.

Having heard learned counsel for the petitioner/plaintiff at length this Court is not inclined to interfere with the impugned orders.

No doubt in the pending suit for specific performance, against the total sale consideration of approximately Rs.2.00 crores, a sum of Rs.41.00 lacs as earnest money is alleged to have been paid, however, the learned trial court has exercised its discretion in safeguarding the interest of the plaintiff by directing the

defendant/vendor that not only the doctrine of *lis pendens* shall apply but also a recital would have to be incorporated in the sale deed, if any, regarding pendency of the present suit. It is well settled that once the lower court has exercised its discretion, unless the discretion is perverse, the same is not to be ordinarily interfered with. In the present case this Court does not find any perversity in the exercise of such a discretion.

In view of the above, present revision petition is dismissed.

18.02.2015
joshi

(Jaswant Singh)
Judge