

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

Date of decision: 27.02.2015.

Balbir Singh through his Special Power of Attorney

.....Petitioner

v.

Chandan Singh

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Sukhvinder Singh Nara, Advocate for the petitioner

Jaswant Singh,J.(Oral)

Plaintiff is in revision assailing the order dated 21.8.2014 (P-6) passed by Additional Civil Judge (Senior Division) Naraingarh whereby his application for adjourning sine die his suit for specific performance on the ground that the question of title of the vendor is pending in a Regular Second Appeal before this Court, has been dismissed; further challenge is to another order dated 6.2.2015 (P-9) whereby similar application has been dismissed on the same ground.

Learned counsel for the petitioner/plaintiff states that since the relief in the suit can only be granted after the decision of the pending Regular Second Appeal in terms of one of the conditions in the agreement to sell, therefore, a case for adjourning sine die the suit is made out.

Having heard learned counsel this Court finds no fault with

the impugned orders declining to adjourn the suit sine die.

It is not in dispute that the trial of the suit is at the stage of final arguments fixed for 4.3.2015 and the nature of the relief claimed being purely discretionary it is for the trial Court at the time of passing of the final judgment and decree to see the necessary implications of the situation.

Dismissed.

27.02.2015
joshi

(Jaswant Singh)
Judge