

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.1190 of 2014
Date of decision: 5.10.2015

Kuljit Singh and another

..... Petitioners

Versus

Ravinder Kumar and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Arvind Kashyap, Advocate for the petitioners.

Mr. Vipin Sharma, Advocate for respondent No.1.

ARUN PALLI, J. (Oral)

Vide order being assailed dated 17.01.2014, rendered by the Additional Civil Judge (Sr. Divn.), Fatehgarh Sahib, application moved by the petitioners to array the petitioners as party to the suit, filed by respondent No.1, has since been dismissed. The conclusion recorded in this regard read as thus:-

“I have heard the learned counsel for the parties and have gone through the file of the case. The present suit is the one filed by plaintiff seeking enforcement of the agreement to sell dated 28.10.2010 claimed to have been executed by defendant Mohinder Kaur in his favour. Admittedly, the applicants Daljit Singh and Kuljit Singh are not the parties to the agreement to sell, enforcement whereof has been claimed by the plaintiff. In a suit aimed at seeking enforcement of an agreement, the only necessary and proper party required to be impleaded in the suit is the one who is a party to the agreement sought

to be enforced. The applicants admittedly being strangers to the agreement subject matter of dispute in the present suit, they cannot be assumed to be proper and necessary parties, for disposal of the present suit. The application of the applicants is thus found to be devoid of merit and stands dismissed accordingly”.

Concededly, in a suit filed by Ravinder Kumar-respondent No.1, he is seeking a decree for possession by way of specific performance of the contract of sale dated 28.10.2010, against Mohinder Kaur wife of late Piara Singh i.e. respondent No.2. Concededly, the petitioners i.e. Kuljit Singh and Daljit Singh are not the parties to the agreement, which is sought to be enforced by Ravinder Kumar.

Needless to assert, in the wake of the nature of relief that is being claimed, petitioners are neither necessary and not even a proper party to the lis. Learned counsel for the petitioners could not point out as to how the conclusion that has been arrived at by the trial Court was either contrary to the position on record or suffered from any material illegality.

In the wake of the position as set out above, no interference is warranted in exercise of revisional jurisdiction under Article 227 of the Constitution of India. The petition being devoid of merit is accordingly, dismissed.

October 05, 2015

Manoj Bhutani

**(ARUN PALLI)
JUDGE**