

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

VARINDER SINGH
2015.03.27 18:21
Attest to the accuracy and integrity
of this document
Punjab & Haryana High Court at
Chandigarh

CR No. 2126 of 2015 (O&M)

Date of decision : 25.3.2015

M/s T. M. S. Real Estate Private Limited
versus

.. Petitioner

Harjit Kaur Chopra

.. Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Amit Jain, Advocate, for the petitioner.

Rajesh Bindal, J.

Challenge in the present petition is to the order dated 9.9.2014 vide which the application filed by the petitioner-defendant to file counter claim along with written statement was dismissed.

In the case in hand, the suit was filed by the plaintiff-respondent on 13.4.2010 challenging sale-deed dated 24.8.2007, got registered by her power of attorney holder in favour of the petitioner on the ground that the date on which the sale-deed was got executed, the power of attorney was not valid. The stand taken by the petitioner was that the agreement to sell was executed on 2.12.2005, which was supplemented on 16.1.2006. By filing the counter claim, alternative plea of specific performance of agreement to sell is sought to be taken. The application seeking permission to file counter claim was filed after the entire evidence of the parties was complete and it was fixed for arguments. Otherwise also, learned counsel for the petitioner has not been able to satisfy the court that a separate suit filed at this stage seeking specific performance of agreement to sell dated 2.12.2005 and supplementary agreement dated 16.1.2006 would be within limitation.

Considering the aforesaid facts, I do not find any merit in the present petition. Accordingly, the same is dismissed.

25.3.2015
vs

(Rajesh Bindal)
Judge