

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

**CR No.2750 of 2015 (O&M)
Date of decision: 21.12.2015**

Gurjeet Singh

... Petitioner

versus

Ajaib Singh (D) through LRs Kailash Kaur and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Suveer Sheokhand, Advocate for the petitioner.

None for the respondents.

K.Kannan, J.

Respondent Nos. 2 and 3 are reported to have executed an agreement of sale on 22.10.2009 in favour of Ajaib Singh. Ajaib Singh in turn has offered to sell the property to present petitioner through an instrument dated 10.03.2010. Ajaib Singh admittedly was not the owner and an offer to sell must be understood as an assignment of equitable interest in purchasing the property. The petitioner has filed the suit against the original vendors respondent Nos. 2 and 3 as well as his own assignor. Ajaib Singh is reported to have died and in his own suit are reported to have been impleaded the legal representatives of Ajaib Singh as well. In Ajaib Singh's suit, application for impleadment has been filed at the instance of the petitioner and it has been rejected.

The continuance of suit by Ajaib Singh is meaningless, for, if the petitioner has obtained the assignment of that right and has filed the suit against the vendors, it is inconsequential of what happens to the suit instituted by Ajaib Singh. An agreement of sale is an agreement in relation to property and is not a personal right. On the other hand, it is a right to property. If the legal representatives of Ajaib Singh do not

want to prosecute the suit, it is best left its way and there is no need for the petitioner to implead any person in the suit instituted by Ajaib Singh. The result of the suit instituted by the petitioner himself will be decided irrespective of the consequences of the suit instituted by Ajaib Singh.

With these observations, the revision petition is disposed for as requiring no impleadment of parties in the suit instituted by Ajaib Singh.

(K.KANNAN)
JUDGE

21.12.2015
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