

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 3122 of 2015
Date of Decision: 08.5.2015.**

Naresh Kumar

.....Petitioner

Versus

Surinder Chauhan and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. D.R.Punia, Advocate
for the petitioner.

SABINA, J.

Petitioner has filed this petition under Article 227 of the Constitution of India challenging the order dated 12.12.2014 (Annexure P-1) whereby application moved by the petitioner under Order 1 Rule 10 of the Code of Civil Procedure, 1908 ('CPC' for short), was dismissed.

I have heard the learned counsel for the petitioner and have gone through the record available on the file carefully.

Respondent No. 3 has filed suit for specific performance of agreement to sell dated 30.7.2009. During the pendency of the suit, petitioner moved an application under Order 1 Rule 10 CPC on the ground that he was a necessary party as respondents No. 1 and 2 had executed an agreement to sell dated 20.8.2009 in his favour qua the property in question.

During the course of arguments, it has transpired that petitioner has also filed a suit for specific performance of agreement to sell dated 20.8.2009 and the said suit is pending

before the Trial Court. Thus, the petitioner has already taken recourse to his legal remedy. In these circumstances, the learned Trial Court rightly held that the petitioner could not be said to be a necessary party in the present suit.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

May 08, 2015
Gurpreet