

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 3217 of 2015 (O&M)
Date of decision: 13.5.2015

Baljit Singh

.. Petitioner

v.

Jagjit Singh and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Manish Kumar Singla, Advocate for the petitioners.

...

Rajesh Bindal J.

Challenge in the present petition is to the order dated 20.4.2015, passed by the court below, whereby the application filed by the petitioner for being impleaded as a defendant in the suit filed by Jagjit Singh against Kulwant Singh for specific performance of agreement to sell dated 12.4.2010, was dismissed.

It is claimed by the petitioner that Kulwant Singh entered into an agreement to sell dated 10.1.2011 with him. The sale deed having not been executed, suit for specific performance of agreement to sell was filed by the petitioner on 10.2.2011, in which Kulwant Singh initially appeared, however, lateron he was proceeded against ex-parte. The ex-parte decree was passed in favour of the petitioner on 22.3.2012, in which the petitioner filed execution. Jagjit Singh filed suit for specific performance of agreement to sell executed in his favour on 12.4.2010, in which the present petitioner had filed the application for being impleaded as a defendant. In the execution filed by petitioner, Jagjit Singh filed objections, which are now listed on 22.7.2015 in the court of Addl. Civil Judge (Senior Division), Fatehgarh Sahib. It is claimed by the petitioner that he came to know about

the pendency of the civil suit filed by Jagjit Singh only after he filed objections in the aforesaid execution petition. It is submitted by learned counsel for the petitioner that the civil suit filed by Jagjit Singh for specific performance of agreement to sell pertaining to the same property is pending for 15.5.2015 in the court of Civil Judge (Senior Division), Fatehgarh Sahib, in which the petitioner seeks to be impleaded as party.

Considering the fact that the issues involved in the execution petition filed by the petitioner and the civil suit filed by respondent No. 1- Jagjit Singh pertain to the same property and both the aforesaid cases are pending in different courts, in my opinion, the ends of justice would be met in case both the cases are transferred to one court to be dealt with on same date of hearing. Accordingly, it is directed that the execution petition filed by the petitioner, which is stated to be pending in the court of Addl. Civil Judge (Senior Division), Fatehgarh Sahib shall be transferred to be taken up along with the civil suit filed by Jagjit Singh for specific performance of agreement to sell, which is pending in the court of Civil Judge (Senior Division), Fatehgarh Sahib and both the cases shall be taken up together.

The petition stands disposed of in the aforesaid terms.

(Rajesh Bindal)
Judge

13.5.2015
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