

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 4260 of 2015 (O&M)
Date of decision: 4.8.2015

Gurmeet Singh Grewal

.. Petitioner

v.

Deepak Kumar

.. Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Akshay Bhan, Senior Advocate with
Mr. Himanshu Puri, Advocate for the petitioner.

...

Rajesh Bindal J.

Challenge in the present petition is to the order dated 21.4.2015, passed by the court below, whereby the application filed by the petitioner-defendant for framing of additional issue, was dismissed.

Learned counsel for the petitioner submitted that in the written statement filed, a specific plea was raised regarding cancellation of the agreement to sell. As the suit filed by the respondent-plaintiff seeking specific performance only was not maintainable, in case there was cancellation of agreement, a specific issue pertaining to that was required to be framed with onus on the defendant. In support of his plea, reliance was placed upon a judgment of Hon'ble the Supreme Court in I.S.Sikandar (D) by LR's v. K. Subramani and others, 2014(1) RCR (Civil) 236.

After hearing learned counsel for the petitioner, I do not find any reason to interfere with the impugned order. The court has already opined that the issue specifically framed to the extent "as to whether the plaintiff is entitled to possession by way of specific performance of agreement to sell dated 1.7.2005" will cover the entire aspect. There is no

error in the opinion expressed by the court.

Accordingly, the present petition is dismissed.

(Rajesh Bindal)
Judge

4.8.2015
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