

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

CR No. 4444 of 2015

Date of Decision: 17.07.2015

Kuldeep Kaur (deceased) through his LR

.....Petitioner

Vs.

Baljit Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Ishwar Lal, Advocate,
for the petitioner.

SABINA, J.

Petitioner has filed this petition challenging the order dated 13.05.2015 whereby application moved by respondent No. 1 under Order 1 Rule 10, of the Code of Civil Procedure, 1908, was allowed.

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

Petitioner has filed suit for specific performance of agreement to sell dated 25.09.1998. During the pendency of the suit, respondent No. 1 moved an application for being impleaded as a party.

The trial Court while allowing the application held as under:-

*"I have heard the learned counsel for
the parties and carefully perused the file. Perusal*

of the file reveals that the plaintiff has filed the present suit for possession by way of specific performance of agreement to sell dated 25.09.1998 regarding house No.16-A situated in Gobind Colony Rajpura against Surinder Kaur and Narinder Singh on the ground that the plaintiff has entered into an agreement regarding the house in question with defendant No.1 on 25.09.1998 for a total sale consideration of Rs.11 lakh. Perusal of the case file further reveals that in the present case, defendant No.1&2 had already been proceeded against ex parte. Now, the present application has been filed by applicant Baljit Singh under Order 1 Rule 10 CPC to be impleaded defendant in the present case, on the ground that he has purchased the House No.16A vide sale deed dated 07.04.2000. Perusal of the case file further reveals that in the present suit, the sale deed executed in favour of applicant has already been exhibited as Ex.D3. Perusal of Ex.D3 clearly shows that defendant No.1 has executed the same in favour of the applicant regarding house No.16A situated at Gobind Colony, Rajpura. Thus it is clear that the right, title and interest of applicant is also involved in the present case. Further the applicant has clearly pleaded that the sale deed in favour of Narinder Singh and the applicant has already been upheld by the Hon'ble Court of Mrs. Daljit Kaur PCS Civil Judge (Junior Division) Rajpura vide judgment dated 22.04.2013 and has also placed on record the photostat copies of the same on file, which also shows the same."

The reasons given by the trial Court while allowing the application under Order 1 Rule 10, CPC, are sound reasons. The

other defendants were proceeded *ex parte* and they have no right, title or interest in the suit property as the same has been sold to respondent No. 1. Thus, respondent No. 1 was liable to be impleaded as a party to enable him to pursue the case.

Hence, no ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

July 17, 2015
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