

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.4695 of 2012

Date of Decision.24.04.2015

M/s Ganpati and Company

.....Petitioner

Versus

Harjeet Singh and others

.....Respondents

Present: Mr. Sunil Chadha, Senior Advocate with
Ms. Pallavi Singh, Advocate
for the petitioner.

Mr. GPS Bal, Advocate
for the respondents.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

-.-

K. KANNAN J. (ORAL)

1. The petitioner, who is the third party to the suit but who had claimed a right to the same property in his own suit for specific performance sought for impleadment contending that the plaintiff had been set up by his own vendors by creating an ante-dated agreement of sale in favour of the plaintiff. The application was dismissed holding that he was not a party to the agreement and therefore, he cannot be brought on record.

2. It is an admitted situation that the petitioner has himself filed a suit for specific performance in relation to the very same property and the said suit is pending. If the contention is that the vendor has created yet another document which is suspicious, that contention must be brought in the suit for specific performance where

his vendor is said to have created a document in favour of the said plaintiff. The counsel for the respondents has very serious objections to the impleadment. I reject the objections and hold that the dismissal of the application is not tenable and it is set aside.

3. Learned counsel for the respondent states that both suits could be consolidated and disposed of together, for, it will be possible for the Court to take an appropriate view in the light of the conflicting statements given by parties. I allow for such a prayer as well and if an application is moved or a memo is filed before the Court where the cases are pending, the Court will consolidate the cases, if they are in the same court. If they are pending in two different courts, an application for transfer could be moved before the District Judge for consolidating both the cases and for disposal together. Learned counsel for the respondents also wants a direction for expeditious disposal of the suits. The parties will use all their resourcefulness to get the case expeditiously adjudicated in the manner they seek for.

4. The civil revision is disposed of with the above observations.

(K. KANNAN)
JUDGE

April 24, 2015
Pankaj*