

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 5724 of 2015
Date of decision : September 2, 2015

Divya Jyoti Jagriti Sansthan, Noormahal

..... Petitioner

Versus

Jarnail Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. P. S. Khurana, Advocate
for the petitioner.

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?

Amit Rawal, J (oral).

The challenge in the present petition is to the impugned order dated 26.8.2015(Annexure P-4) whereby the application filed by the petitioner by invoking the provisions of order 1 Rule 10 CPC has been allowed and the petitioner has been permitted to join from the stage the suit was slated.

Learned counsel for the petitioner submits that the stage of the suit is at plaintiff's evidence. Since the petitioner is a bona fide purchaser of the suit property vide sale deed dated 3.9.2012, in a suit filed on 18.5.2010 seeking specific performance of the agreement to sell dated 31.8.2007, the petitioner has an apprehension that the evidence sought to be lead on his behalf would not be taken into consideration for want of written statement.

I have heard learned counsel for the petitioner and appraised the paper book.

Vide impugned order the petitioner has been allowed to join the proceedings in the suit from the stage it was slated for. The petitioner shall be at liberty to lead the evidence by filing affidavit which shall be looked into by the trial court for the purpose that the respondents-plaintiffs have sought alternative relief for refund of earnest money. Thus, the apprehension of the petitioner, in my view is misplaced.

It is made clear that any evidence filed by the petitioner shall be taken into consideration by the trial court while adjudicating the dispute between the parties to the *lis* dehors of written statement.

The impugned order is upheld. The revision petition stands disposed of.

(AMIT RAWAL)
JUDGE

September 2, 2015
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