

CR No.645 of 2015

[1]

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No.645 of 2015

Date of decision:09.02.2015

Ravinder Singh

...Petitioner

Versus

Smt. Raj Rani and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Diwan S. Adlakha, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

The petitioner is aggrieved against the order dated 16.08.2014, dismissing his application filed under Order 1 Rule 10 of the Code of Civil Procedure, 1908 to become a party in the pending suit.

The plaintiff-respondent no.1 filed a suit for permanent injunction in order to restrain the defendants from interfering in his actual physical possession. The plaintiff has claimed her right over the suit property on the basis of sale. The petitioner filed an application to become a party in the suit on the ground that there is an agreement in his favour dated 08.03.2010, much prior to the sale deed dated 13.09.2010 executed in favour of the plaintiff by the other defendants, therefore, he has a right in the suit property and is required to be impleaded as defendant. Moreover, he had also filed a suit for permanent injunction restraining the owners from

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alienating or transferring the land in dispute in which *status quo* order has been passed on 02.11.2010.

I have heard learned counsel for the petitioner and perused the available record.

The petitioner is claiming his right over the suit property on the basis of an agreement to sell dated 08.03.2010, whereas the plaintiff-respondent no.1 has already got the sale deed registered in her favour of the property in dispute on 13.09.2010 and no suit for specific performance has been filed by the petitioner on the strength of the agreement to sell dated 08.03.2010 rather he filed a suit for permanent injunction, restraining the contracting party, from alienating or transferring the suit land in which *status quo* was granted to him on 02.11.2010, much after the sale deed was executed in favour of the plaintiff on 13.09.2010. Thus, the petitioner has no right to be impleaded as a party in the suit filed by the plaintiff which is only for the purpose of restraining his vendors from interfering in her actual physical possession.

In view thereof, I do not find any reason to interfere in the well considered order passed by the learned Court below and hence, the present revision petition is hereby dismissed being denuded of any merit.

February 09, 2015
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(Rakesh Kumar Jain)
Judge