

IN THE HIGH COURT OF PUNJAB & HARYANA HIGH COURT
AT CHANDIGARH

Civil Revision No.733 of 2015

Date of Decision: 27.02.2015

Tarlochan Singh

..... Petitioner

Vs.

Dhanwant Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Vikas Gupta and Mr. Vivek Salathia, Advocates
for the petitioner/defendant No.5.

JASWANT SINGH, J. (ORAL)

The impleaded defendant No.5 is in revision aggrieved by the order dated 06.01.2015 (**P-1**), passed by learned Civil Judge (Sr. Divn.), Tarn Taran, whereby his defence, for non-filing of the written statement with time, has been struck off.

It is apparent that the respondent/plaintiff has filed a suit for declaration seeking setting aside of a judgment and decree dated 29.04.2011 for specific performance, suffered by the common vendor-Hardial Singh in favour of defendant No.5-Tarlochan Singh. It is alleged that the vendor-Hardial Singh after the filing of the instant suit for specific performance by the plaintiffs, had suffered the said decree by leading no evidence in another suit subsequently filed for specific performance by the present defendant No.5. Since during the pendency of the suit filed by the plaintiff, no contest decree for specific performance in favour of the present defendant No.5 had come about and also the subsequent sale deeds

through the process of the Court, the suit was amended so as to challenge the subsequent decree dated 29.04.2011 of the sale deed by impleading defendant No.5 as well. It is also apparent from the record that the present petitioner/defendant No.5 was alleged to be related to defendants-Vendors and was in knowledge of the Suit/amended plaint for months together and, therefore, finding that sufficient time had lapsed without filing of the written statement by defendant No.5, his defence was struck off.

During the course of previous hearings, this Court had directed defendant No.5 to file an affidavit regarding his true relationship with the Vendor-Hardial Singh, since it had come on record that he was related to the defendants-vendors so as to notice lack of *bona fide* on his part right from the beginning.

At the time of hearing today, instead of filing the required affidavit, the learned Counsel for the petitioner/defendant No.5 states that the present revision has become infructuous in the light of a compromise having been arrived at between the parties.

In view of the statement made by learned Counsel for the petitioner at the Bar, the present petition stands dismissed as infructuous.

February 27, 2015
Gagan

(JASWANT SINGH)
JUDGE