

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

CR No.785 of 2015

Date of decision : 05.11.2015

Rattan Lal

...Petitioner

Versus

Pushpa Devi and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

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

Present: Mr. B.D. Sharma, Advocate for the petitioner.

Mr. M.K. Bhatnagar, Advocate for respondent No.1.

Mr. Randhir Singh Badhran, Advocate for respondent No.2.

AMIT RAWAL, J. (Oral)

The challenge in the present petition is to the order dated 19.11.2014, whereby application filed by the respondent-defendants under Section 10 of CPC in suit for specific performance of agreement to sell dated 22.09.2010, has been allowed on the premise that petitioner-plaintiff had earlier filed a suit for permanent injunction and, therefore, the matter in issue is directly and substantially the same.

Mr. Sharma, learned counsel appearing on behalf of petitioner

submits, that once the cause of action accrued to seek the specific performance of agreement to sell, the suit was filed and he do not intend to pursue with the suit for injunction as it has become infructuous, as the breach has been committed.

In view of the statement made by Mr. Sharma, Advocate, application filed under Section 10 CPC pales insignificant.

Accordingly, the order dated 19.11.2014, whereby application has been allowed, is set aside with a condition that petitioner-plaintiff shall withdraw the suit for permanent injunction and shall pursue the suit seeking specific performance of agreement to sell dated 22.09.2010 in accordance with law.

Revision petition stands allowed.

05.11.2015

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**(AMIT RAWAL)
JUDGE**