

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

CR No. 1433 of 2016(O&M)

Date of decision :16.03.2016

Jaswinder Pal Singh and others

..... Petitioners

Versus

Ravinder Singh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Munish Gupta, Advocate
for the petitioners.

DARSHAN SINGH, J. (Oral)

CM No. 5370-CII of 2016

This application has been filed for early hearing of
the present revision petition.

Heard on the application.

In view of the reasons mentioned in the application,
the application stands allowed and the case is pre-poned and
is taken up today itself for hearing.

CR No. 1433 of 2016

The present revision petition has been preferred
against the order dated 03.12.2015 passed by the learned
Addl. Civil Judge (Sr. Division), Hoshiarpur, vide which the
application moved by the petitioners under Order 1 Rule 10

Code of Civil Procedure, 1908 (for short CPC) for impleading them as party to the suit has been dismissed.

2. Learned counsel for the petitioners contended that the plaintiff-respondent no.1 has filed the suit for possession by way of specific performance of the agreement to sell dated 23.10.2007. He contended that on the basis of said agreement, plaintiff has executed the agreement to sell dated 09.11.2007 in favour of the petitioners. He has also received a sum of Rs. 5 lacs as earnest money. He further contended that petitioner-Jaswinder Pal Singh has even appeared as a witness of the plaintiff in the suit. They have already transferred about Rs. 40 lacs in the account of the plaintiff-Ravinder Singh. He contended that now, there is possibility of some settlement between the plaintiff and defendant, which is likely to prejudice the rights of the petitioners.

3. He further contended that as the rights of the petitioners are likely to be directly affected with the outcome of the suit as the agreement to sell executed by the plaintiff in their favour is based on the agreement to sell dated 23.10.2007 executed by the defendant in favour of the plaintiff. If, the suit filed by the plaintiff fails due to any settlement or otherwise, the rights of the petitioners will be adversely affected. He contended that the petitioners are necessary and proper parties to the suit to watch their interest. Learned trial Court has wrongly dismissed the

application. To support his contentions he has relied upon cases **Jatinder Singh Vs. Surjit Kaur and others, cR No. 349 of 2013 (O&M), decided on 16.12.2013, Devarapu Padma & Ors. Vs. Guntur Teachers Co-operative Housing Building Society Ltd. & Ors. 14(1) Civil Court Cases 794(A.P), Gurshinder Singh Vs. Pal Singh & Ors. 2014(1) Civil Court Cases 796 (P&H), Shri Swastik Developers & Ors Vs. Saket Kumar Jain and Anr. 2014(2) CivCC 390, Raghvendra Datta Ram Pandey Vs. Smt. Geeta Pandey also known as Rani Sahiba & Ors. 2014(3) Civil Court Cases 051 (Allahabad), Gopinath Dixit Vs. Rama Chandra Dixit & Anr. 2005(2) Civil Court Cases 117 (Orissa), Gram Panchayat, Garhi Vs. Dharamvir & Ors. 1998 (2) Civil Court Cases 461(P&H), T.M.Balakrishna Mudaliar Vs. M. Satyanarayana Rao and others, AIR 1993 Supreme Court 2449, Mani Ram Vs. State of Rajasthan AIR 1993 Supreme Court 2453, and Habiba Khatoon Vs. Ubaidul Huq 1997(3) R.C.R (Civil) 570.**

4. I have duly considered the aforesaid contentions.

5. Annexure P-1 is the copy of the plaint filed by plaintiff-respondent no.1 Ravinder Singh. He has filed the suit for possession by way of specific performance of the agreement to sell dated 23.10.2007 executed in his favour by the defendants-respondents no.2 and 3. Petitioners have got the agreement to sell dated 09.11.2007 executed in their favour

from the plaintiff with respect to the land in suit obviously on the basis of agreement executed by defendants in favour of the plaintiff.

6. Annexure P-3 is the copy of the application moved by the petitioners under Order 1 Rule 10 CPC for impleading them as plaintiffs in the suit. In this application, there is no averment at all that there is any collusion between the plaintiff and defendants or any settlement is going to take place between the plaintiff and defendants, which is likely to adversely affect the rights of the petitioners.

7. The plaintiff-respondent no.1 has filed the suit for possession by way of specific performance to enforce the agreement to sell dated 23.10.2007 executed by defendants-respondents no.1 and 2 in his favour. Admittedly, the petitioners are not the privy to the said contract. The present petitioners cannot be stated to be either the necessary party or the proper party for adjudication of the matter in issue between the plaintiff-respondent no.1 and defendants-respondents no.2 and 3 with respect to the agreement to sell dated 23.10.2007. The cases relied upon by learned counsel for the petitioners are quite distinguishable on facts.

8. Thus, I do not find any illegality in the impugned order calling for any interference by this Court while exercising the supervisory powers under Article 227 of the Constitution of India.

9. Resultantly, the present revision petition having, no merits, is hereby dismissed.

16.03.2016

S.khan

(DARSHAN SINGH)
JUDGE