

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 2032 of 2016
Date of decision : March 18, 2016

Parkaso

..... Petitioner

Versus

Lehamber and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Manmeet Singh Rana , 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 petitioner is aggrieved against the dismissal of the application filed under Order 1 Rule 10 CPC in a suit for possession by way of specific performance of the agreement to sell dated 25.6.2010.

Learned counsel appearing on behalf of the petitioner submits that the defendant No.1 had entered into an agreement to sell qua the whole property whereas the petitioner is also co-sharer and in this regard, he had already filed a suit, which is stated to be pending. In order to avoid multiplicity of litigation, he moved an application under Order 1 Rule 10 CPC which has erroneously been dismissed and the right and interest/share of the

petitioner is at stake.

I have heard learned counsel for the petitioner, appraised the paper book and of the view that there is no merit in the revision petition, at the best, petitioner is at liberty to seek clubbing of the suit, stated to be pending. During the course of arguments, learned counsel has submitted that the suit has already been decreed in favour of the petitioner.

In a suit for specific performance which is a contract between the two parties, third party cannot be permitted to be interjected. In view of the law laid down by Hon'ble Supreme Court in **Kasturi Vs. Iyyamperumal and others 2005 (2) RCR (Civil) 691**, the application was not maintainable.

I do not find any illegality and perversity in the impugned order and the same cannot be said to have been passed without jurisdiction.

The revision petition is devoid of merits. Accordingly the same is dismissed.

(AMIT RAWAL)
JUDGE

March 18 , 2016
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