

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

**CR No.2589 of 2015 (O&M)  
Date of decision: November 04, 2016**

**Bimla Devi**

**...Petitioner**

**Versus**

**Jaswant Singh and others**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Deepak Arora, Advocate  
for the petitioner.

Mr. Anil Kshetarpal,, Sr. Advocate with  
Mr. Rohit Nagpal, Advocate  
for respondent No.1.

**AMIT RAWAL, J.(ORAL)**

Petitioner is aggrieved of the impugned order dated 26.11.2014 (Annexure P-6), whereby, the application under Order I Rule 10 of the Code of Civil Procedure for impleading petitioner as plaintiff in Civil Suit bearing No.64/2.9.2009, titled as *Jaswant Singh vs. Bachan Kaur (deceased) and others*, for specific performance of agreement to sell, has been dismissed.

Mr. Deepak Arora, learned counsel appearing on behalf of the petitioner submits that proposed vendee Sat Saroop had already entered into an agreement to sell, dated 03.01.1996, with Bachan Kaur for purchasing the land in dispute. He died in the year 2001. At the demise of Sat Saroop, his son Jaswant Singh instituted the suit in the year 2004. On coming to know about the aforementioned fact, an application for impleading petitioner as plaintiff was moved as Sat Saroop had left behind a Will, thus,

the impleadment is essential and necessary for adjudication of the case as

Jaswant Singh, the only son of Sat Saroop would take benefit in view of the aforementioned Will.

Per contra, Mr. Anil Kshetarpal, learned senior counsel assisted by Mr. Rohit Nagpal submits that Sat Saroop has another daughter other than the one who moved an application, namely, Jasbir Kaur, who had also instituted the suit on the basis of some other Will regarding one house. Agreement to sell does not confer any right or title and, therefore, she can not bequeath the right by virtue of the Will. If at all, petitioner is affected, she can always seek remedy in an independent suit.

I have heard learned counsel for the parties and appraised the paper book.

Since one of the legal heirs of the deceased Sat Saroop is represented in the case, the rights of the petitioner is not going to be affected. Even otherwise, whatever findings are recorded by the Court, the same would be taken care of but not in the manner as indicated above. Even otherwise, the suit is of the year 2009.

For the reasons aforesaid, I do not intend to differ with the findings recorded by the Courts below. No ground is made out for interference.

Consequently, the revision petition is dismissed.

**November 04, 2016**  
sk

**(AMIT RAWAL)**  
**JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No