

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CR-3531 of 2016

Date of decision :17.08.2016

Ravin Rana

.....Petitioner

Versus

Ankit Raghav

.....Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Sumit Sangwan, Advocate
for the petitioner.

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the order dated 22.03.2016 (Annexure P1) passed by Ld. Civil Judge (Junior Division), Gurgaon, vide which review application (Annexure P2) filed by the petitioner has been dismissed.

The petitioner-plaintiff has filed a suit for specific performance of agreement to sell dated 04.03.2013. The said suit filed by the petitioner had been decreed by the learned trial Court vide judgment and decree dated 23.09.2014 on the basis of the statement suffered by the defendant-respondent.

Learned counsel for the petitioner has contended that some alterations were made by the defendant to the property proposed to be sold. There was illegal construction and "No Objection Certificate" (NOC) could not be issued. He further contended that in the decree, it should have been mentioned that the sale deed will be executed by complying the terms and conditions mentioned in the agreement.

Learned trial Court has categorically mentioned in the

impugned order that the plaintiff can only seek specific performance of the agreement to sell dated 04.03.2013 and there was no prayer that decree for specific performance should be passed subject to fulfillment of conditions mentioned in the agreement.

In the relief clause of the suit filed by the petitioner, the prayer was for passing the decree for specific performance of the agreement to sell dated 04.03.2013 and that relief has been granted to the petitioner by the learned trial Court vide impugned judgement and decree dated 23.09.2014. There is no error apparent on the face of record in the judgement and decree which can justify to review the same. It appears that the petitioner only wants to seek some additional relief which was not even pleaded by him in the plaint. So, learned trial Court has rightly dismissed the review application filed by the petitioner. I do not find any illegality in the impugned order, thus, the present revision petition is, hereby, dismissed.

(DARSHAN SINGH)
JUDGE

17.08.2016

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No