

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.3919 of 2016

Date of Decision.14.09.2016

Harbans Singh

.....Petitioner

Vs.

Gurnam Singh and others

.....Respondents

Present: Mr. B.R. Rana-I, Advocate
for the petitioner.

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AMIT RAWAL J. (ORAL)

The petitioner-defendant No.1 is aggrieved of the dismissal of application moved under Section 10 CPC for staying of the suit for specific performance of agreement to sell instituted by the vendee against him on the premise that suit for partition of the suit property at the instance of the LR's of Mehar Singh, the vendor, is stated to be pending.

I have gone through the aforementioned application and as well as the pleadings in the suit and of the view that in suit for specific performance of an agreement to sell, Mehar Singh has mentioned himself to be owner. If at all, they are able to prove in suit for specific performance that Mehar Singh was having a joint *khata* or co-sharer, the suit shall be contested as per the documentary and oral evidence but not in the manner and mode as has been done. It is an attempt to delay the adjudication of the suit as the suit for partition is amongst the LR's of Mehar Singh. In my view, it is an attempt to delay the adjudication of the suit for specific performance which is not permissible in law.

I do not find any illegality and perversity in the order under challenge, much less, the order cannot be said to be passed without

jurisdiction. No ground for interference is made out. The revision petition is dismissed.

(AMIT RAWAL)
JUDGE

September 14, 2016
Pankaj*

Whether reasoned/speaking	Yes
Whether reportable	No