

CR No.5119 of 2016 (O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CR No.5119 of 2016 (O&M).

Date of decision:22.08.2016

Gaurav Verma

... Petitioner

Vs.

Rajesh Kumar and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Adarsh Jain, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Petitioner-Gaurav Verma, is the legal representative of Dulari Devi, who had entered into agreement to sell the land. The suit for specific performance was filed in the year 2005. Dulari Devi died in the year 2007. Since then, the petitioner has been impleaded as LR of Dulari Devi and contested the suit tooth and nail denying the agreement to sell and took all the possible pleas for dismissal of the suit. The suit had been decreed by both the Courts below, in essence, specific performance of the agreement to sell after dismissal of the objections, has been granted.

Mr. Adarsh Jain, learned counsel appearing on behalf of the petitioner submits that petitioner – Gaurav Verma though was impleaded as LR of Dulari Devi, who had not set up an independent defence than the one taken up by the mother but being the legal representative, he can always file objections. The objections have been dismissed on the ground that the daughters had also filed the objections. Though the same have been dismissed after having tried as an independent suit. The order

aforementioned is appealable but his objections have been dismissed summarily and thus, urges this Court for issuing appropriate directions to the trial Court by setting aside the order under challenge and to decide the objections afresh as maintained as that of daughters.

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

During the course of arguments, this Court has raised the query to Mr. Jain, with regard to contents of the agreement to sell and he submits that agreement to sell contains the clause that agreement to sell had been entered into by the vendor and all legal heirs are bound by it. In such eventuality, the LR cannot dispute the agreement by saying that it was ancestral property. If it is so, nothing prevented the petitioner to set up a plea and prove, when the evidence was being led. In my view, this is an act of cheating, dishonesty and complete summersault and rightly so, the Court below has declined the objections.

In view of the aforementioned observations, I do not intend to differ with the findings rendered by the Court below, much less, the same cannot be said to have been passed without jurisdiction.

Accordingly, the revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

August 22, 2016
savita

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No