

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

CR No.5346 of 2016
Date of decision : 22.08.2016

Narender Singh

...Petitioner

Versus

Ganesha Ram and another

..Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. B.S. Mittal, Advocate for the petitioner.

AMIT RAWAL, J. (Oral)

The petitioner-defendant is aggrieved of the impugned order, whereby application at the instance of the applicant-Pargat Singh for impleading him as defendant in suit titled as Ganesha Ram Vs. Narender Singh, in a suit for specific performance of the agreement to sell, has been allowed.

Mr. B.S. Mittal, learned counsel appearing on behalf of petitioner-defendant submits that Pargat Singh is claiming to have right and title in the property on the basis of the gift deed dated 27.06.2000 executed by Gulzar Singh being GPA Holder of Harnam Singh predecessor-in-interest of the defendant. In fact the defendant had purchased the aforementioned property vide sale deed dated 10.07.2007. If at all Pargat Singh had grievance, he could have set up an independent title but not in the manner and mode. This aspect has also been noticed by three Bench

Judgment of this Court in *Kasturi Vs. Iyyamperumal and others, 2005(2) RCR (Civil) 691*, and thus urges this Court for setting aside of the impugned order.

I have heard learned counsel for the petitioner-defendant and appraised the paper book and of the view that there is no force and merit in the aforementioned submission, for, in my view Pargat Singh had direct interest for being impleaded as necessary and proper party, for, the plaintiff is not aggrieved of his impleadment, in essence, has not come forward to challenge the same. The property in dispute is the same which is being sought to be claimed by the vendee in suit for specific performance of the agreement to sell. Pargat Singh in my view would have right in the property as gift deed is prior in time i.e. of 27.06.2000 as the sale deed in favour of the petitioner-defendant is of 2007. This view of mine is supported by the judgment rendered by Hon'ble Supreme Court in *Thomson Press (India) Ltd. Vs. Nanak Builders & Investors P. Ltd. and others, 2013(2) RCR (Civil) 875*.

I do not find any illegality and perversity in the impugned order.

No ground for interference is made out.

Dismissed.

22.08.2016

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes

Whether reportable:-

Yes/No