

208.

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

Civil Revision No.5635 of 2014

Date of decision: 03.02.2016

Gurpreet Singh

... Petitioner

versus

Jagdev Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Piyush Kant Jain, Advocate,
for the petitioner.

Mr.D.S. Gurna, Advocate,
for respondent No.1.

Mr. S.N. Gaur, Advocate,
for respondents 2, 3 and 5.

Ms. Richa Mittal, Advocate,
for Mr. Inderjeet Sharma, Advocate,
for respondent No.4.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ?No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. The petitioner is a person claiming under an agreement of sale with the vendor who has been sued independently through another agreement which is the subject matter of present suit. The petitioner's own suit was brought on 08.12.2011 and the instant suit

was filed subsequently by a person purported to hold an earlier agreement of sale. The petitioner sought impleadment to contend that his own right in the property is now sought to be defeated by the vendor by entering into a collusive transaction with the present plaintiff. The court has dismissed the application.

2. The order is erroneous. His own suit for specific performance will not protect him sufficiently if his vendor suffers decree in the instant suit and defeat the petitioner's right to obtain specific performance. It will be appropriate that the petitioner is impleaded as a defendant in the instant suit. I direct both the suits, namely, the suit instituted by the petitioner on 08.12.2011 to be tried simultaneously with the instant suit. If they are pending in different courts, they are ordered to be brought together in the court where the instant suit is pending and disposed of in accordance with law.

3. The impugned order is set aside and the revision petition is allowed on the above terms.

(K.KANNAN)
JUDGE

03.02.2016
sanjeev