

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

CR No.7244 of 2015
Date of decision : 08.07.2016

Vishal Khandelwal

...Petitioner

Versus

Vinita Chaudhary 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. Sudhir Aggarwal, Advocate for the petitioner.

Mr. Sunil Dhanda, Advocate for
Mr. Rajesh Lamba, Advocate for respondent No.1.

AMIT RAWAL, J. (Oral)

The petitioner-defendant No.2 is aggrieved of the dismissal of the application seeking rejection of the plaint.

Mr. Sudhir Aggarwal, learned counsel appearing on behalf of the petitioner submits that alleged agreement to sell dated 09.04.2012 is between the plaintiff and defendant No.1. There is no privity of contract between defendant No.2 except bald assertion. No cause of action accrued to the plaintiff against the defendant No.2 and rightly so, application in this regard was moved but same has erroneously been dismissed. Even

otherwise, suit at the best could be for specific performance and not for simplicitor for permanent injunction.

Mr. Sunil Dhanda, Advocate for Mr. Rajesh Lamba, learned counsel appearing on behalf of respondent No.1 submits that if at all the petitioner had any grievance, an appropriate application for striking of the name ought to have been moved but not in the manner and mode as has been adopted.

I have heard learned counsel for the parties and appraised the paper book and of the view that Order 1 Rule 10 lays down the procedure for striking the name of the person in case no relief has been sought, much less, unnecessary relief has been sought, in essence, he may not be necessary or proper party but not in the manner and mode as has been adopted for the purpose of adjudication of the application under Order 7 Rule 11.

For the foregoing reasons, I am of the view that remedy if any is to move appropriate application as indicated above.

In view of the aforementioned fact, I do not intend to differ with the findings rendered by the trial Court.

Order under challenge is upheld.

Revision petition stands dismissed.

08.07.2016

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**(AMIT RAWAL)
JUDGE**