

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

C.R. No.7336 of 2016 (O&M)

Date of Decision.04.11.2016

Har Krishan Lal

.....Petitioner

Vs

Smt. Raj Kumari and another

.....Respondents

Present: Mr. S.K. Aneja, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The petitioner is aggrieved of the impugned order whereby the application moved under Order 1 Rule 10 CPC in the suit seeking specific performance, has been dismissed.

Mr. Aneja, learned counsel appearing for the petitioner submits that the petitioner's mother has died and he is living with uncle since the father is a drunkard and did not take care of the property, much less, his son. He had to file a petition for seeking maintenance and there is already an order of attachment qua property. It is in this backdrop of the matter, the application aforementioned was filed, but the same has erroneously been dismissed. The order is, thus, liable to be set aside.

I have heard learned counsel for the petitioner, appraised the paper book and of the view that in a suit seeking specific performance only parties to the contract are essential and necessary. It is not a case where a title or interest of the petitioner is involved. Whatever consequence would be in the proceedings stated to have been initiated, will be taken care of at the appropriate stage. The aforementioned view of mine is reiterated from

Nanak Builders & Investors P. Ltd. and others 2013(2) RCR (Civil) 875.

I do not find any reason to differ with the order under challenge as there is no illegality and perversity, 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

November 04, 2016
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No