

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

Civil Revision No.8280 of 2016

Date of decision : 08.12.2016

Sukhdev Singh

.....Petitioner

Versus

Shingara Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. H.S. Dhandi, Advocate for petitioner.

DARSHAN SINGH, J.

The present revision petition has been preferred against the order dated 10.11.2016 passed by the learned Additional Civil Judge (Senior Division), Samrala, vide which the application moved by petitioner-defendant No.1 Sukhdev Singh for adjourning *sine die* civil suit No.322 of 2009 (now civil suit No.754 of 2013) titled as Shingara Singh Vs. Sukhdev Singh and others, has been dismissed.

2. I have heard learned counsel for the petitioner and perused the paper-book.

3. Learned counsel for the petitioner contended that respondent No.1 Shingara Singh has filed the suit for possession by way of specific performance of the agreement to sell dated 07.12.2007 against the petitioner on the plea that he has agreed to sell the suit land to him vide the said agreement to sell. He contended that Baljit Kaur and others the wife and

minor children of Sukhdev Singh have filed the civil suit No.232 of 2009 against the petitioner and respondent No.1 Shingara Singh for permanent injunction, restraining them from interfering into the suit property or from alienating the suit property. The said suit has been dismissed by the learned trial Court vide judgment dated 09.01.2015. The appeal against that judgment and decree is pending before the learned first appellate Court. He contended that Baljit Kaur, the wife of petitioner had earlier filed a suit for maintenance and for creating charge on the suit property on 23.11.2007. The injunction was granted in her favour in that suit. Thereafter, the said suit was compromised in the Lok Adalat on 21.03.2009. The petitioner gave the statement that he will not alienate the suit property without the consent of the plaintiff in that suit. Thus, he contended that in the suit for maintenance, charge was created on the suit property and petitioner was not competent to sell the suit property. He contended that even agreement to sell is forged document. He contended that the wife and children of the petitioner had filed the civil suit No.232 of 2009 for seeking injunction against the petitioner restraining him from alienating the suit property, which has been dismissed on 09.01.2015 by the learned trial Court but the appeal against that judgment and decree is still pending. Thus, he contended that the proceedings of the civil suit filed by respondent No.1 bearing No.322 of 2009 (now civil suit No.754 of 2013) titled as Shingara Singh Vs. Sukhdev Singh and others be adjourned *sine die* till the decision of the appeal.

4. I have duly considered the aforesaid contentions.
5. The present civil suit has been filed by respondent No.1 for

possession by way of specific performance of agreement to sell dated 07.12.2007. The present petitioner was defendant No.1 in civil suit No.232 of 16.07.2009. Smt. Baljit Kaur, his wife and his children had sought the injunction against him restraining him from alienating the suit property and the suit filed by them was dismissed. The present petitioner cannot be stated to be aggrieved person by any stretch of imagination with the continuation of the suit as he is not claiming any relief in the civil suit No.232 of 2009, rather the decree was being sought against him even in that civil suit.

6. So, in my opinion he has no locus standi to move the application for adjourning sine die the proceedings of civil suit No.322 of 2009 (now civil suit No.754 of 2013) titled as Shingara Singh Vs. Sukhdev Singh and others.

7. Consequently, keeping in view my aforesaid discussion, I do not find any illegality in the impugned order passed by the learned trial Court. Therefore, the present revision petition is without any merit and the same is hereby dismissed.

08.12.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No