

CR No. 3064 of 2017 (O&M)

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA
AT CHANDIGARH**

CR No. 3064 of 2017 (O&M)

Date of decision: 1.5.2017

Pargat Singh

...Petitioner

Versus

Makhtool Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Vikas Gupta, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Instant revision petition, at the hands of defendant, filed under Article 227 of the Constitution of India, is directed against the order dated 3.11.2016 (Annexure P-1) passed by the learned trial court, whereby application moved by the plaintiff-respondent under Order 1 Rule 10 of the Code of Civil Procedure ('CPC' for short), was allowed, impleading earlier and subsequent purchasers of the suit land namely Sarmukh Singh and Jawahar Singh as defendants No.2 and 3.

Heard learned counsel for the petitioner.

It is not in dispute that plaintiff-respondent No.1-Makhtool Singh filed suit for possession by way of specific performance of the agreement to sell dated 15.6.2012, allegedly executed by defendant-petitioner namely Pargat Singh in favour of plaintiff. However, during pendency of the suit, present petitioner-defendant produced one agreement

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to sell dated 1.6.2012 (Ex.D1), with a view to prove that he had already entered into an agreement to sell with Sarmukh Singh. Petitioner also executed agreement to sell dated 15.6.2012 in favour of the plaintiff. It also transpired that Sarmukh Singh further sold the suit land to Jahawar Singh vide agreement to sell dated 25.6.2012. These material facts of the case necessitated filing of application under Order 10 Rule 13 CPC for impleading abovesaid Sarmukh Singh and Jawahar Singh as party-defendants. After considering all the relevant aspects of the matter, the learned trial court rightly allowed the application moved by the plaintiff by passing the impugned order.

It is the settled proposition of law that rules of procedures are meant for advancing the cause of justice. Every court must grant reasonable opportunity to both the parties to put up their best cases. Technicalities must not weigh with the courts, while doing complete and substantial justice between the parties. It prima facie seems that defendant-petitioner was trying to play smart in collusion with Jawahar Singh and Sarmukh Singh, with a view to defeat the cause putforth by the plaintiff in his suit for possession by way of specific performance of the agreement to sell dated 15.6.2012. Under the peculiar facts and circumstances of the case noticed hereinabove, Jawahar Singh and Sarmukh Singh would be very much necessary parties for just decision of the case and also with a view to do complete and substantial justice to the parties by rendering an effective judgment. It will also avoid multiplicity of litigation between the parties. Having said that, this Court feels no hesitation to conclude that the learned trial court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

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During the course of hearing, learned counsel for the petitioner could not could not point out any patent illegality or perversity in the impugned order, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. In fact, since the impugned order has been found duly supported by sound reasons, it same deserves to be upheld, for this reason also.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present revision petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, instant revision petition stands dismissed, however, with no order as to costs.

1.5.2017

AK Sharma

(RAMESHWAR SINGH MALIK)

JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No