

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

CR No. 6025 of 2017(O&M)

Date of decision: 11.9.2017

Jai Singh through his legal heirsPetitioners

VERSUS

Mukesh Kumar and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Baldev Singh, Advocate for the petitioners.

REKHA MITTAL, J.(Oral)

The present petition directs challenge against order dated 30.05.2017 (Annexure P-1) passed by the Civil Judge (Junior Division), Indri District Karnal whereby application filed by the petitioner now represented by his LRs for impleadment under Order 1 Rule 10 read with Section 151 of the Code of Civil Procedure, 1908 (in short 'CPC') has been dismissed.

Perusal of the application (Annexure P-2) would make it evident that Jai Singh prayed for his being impleaded as a defendant on the basis of an agreement to sell dated 09.11.2012 purported to be executed by defendant - Mukesh Kumar in favour of the petitioner in regard to land measuring 0 kanal 14 marlas at the rate of Rs.33,000/- per marla. Hari Chand the respondent/plaintiff has filed a suit for possession by way of specific performance of contract with relief of permanent injunction. Counsel for the petitioner has failed to cite any precedent that a person who claims some right on the basis of an agreement to sell purported to be executed by defendant/owner of the suit property can be allowed to be

impleaded as a party by invoking Order 1 Rule 10 (2) CPC. In case the petitioner is allowed to be impleaded as a co-defendant, it would enlarge the scope of suit filed by Hari Chand who is dominus litus in the civil suit filed at his instance. Under the circumstances, I do not find any error much less illegality in the impugned order warranting intervention.

For the foregoing reasons, the petition fails and is accordingly dismissed. However, the petitioner shall be at liberty to take recourse to appropriate remedy in accordance with law for redressal of his grievance on the basis of agreement propounded by him.

SEPTEMBER 11, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no