

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

143

CR No.6517 of 2017  
Date of Decision:05.12.2017

Mukesh Kumar Kohli

...Petitioner

Versus

Nitin Kumar @ Nitin Sood and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. M.S. Sidhu, Advocate  
for the petitioner.

**ANIL KSHETARPAL, J.(Oral)**

Plaintiff-petitioner is in revision petition against the order dismissing the application under Order 39 Rules 1 and 2 CPC passed by the learned trial Court, which has been affirmed by the learned First Appellate Court.

Both the Courts have found that the plaintiff and the defendants had jointly developed two colonies and sold plots to third party. The Court has further noticed that the plaintiff has concealed material facts from the Court while filing the suit. The Court has noticed that in fact the plaintiff had misappropriated the amount and thereafter entered into a settlement and agreed to pay a sum of Rs.1,05,54,000/-. Since the plaintiff was unable to pay, therefore, the amount was reduced to Rs.75,00,000/-. Plaintiff was still unable to pay, therefore, the plaintiff entered into an agreement to sell with the defendants with respect to plots No.64 to 70, 153 and 154, Gautam Vihar Colony. These agreements to sell were full payment agreements. Plaintiff further executed a General Power of Attorney in favour of Daljit Singh - defendant No.2 on 23.08.2013.

Both the Courts below after considering these facts, dismissed the application under Order 39 Rules 1 and 2 CPC.

Learned counsel for the petitioner could not dispute these facts.

Taking into consideration the aforesaid facts, this Court does not find any good ground to interfere with the impugned orders passed by the Courts below.

Hence, this revision petition is dismissed.

05.12.2017  
*sheetal*

**(ANIL KSHETARPAL)**  
**JUDGE**

Whether Speaking/Reasoned: Yes/No  
Whether Reportable : Yes/No