

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

**Civil Revision No.9041 of 2017 (O&M)
Date of Order: 21.12.2017**

Manish Mehrotra

..Petitioner

Versus

Birender Kataria through its LRS and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Himanshu Puri, Advocate, for
Mr. Jagmohan Ghuman, Advocate,
for the petitioner.

ANIL KSHETARPAL, J (Oral)

Petitioner has challenged the order passed by the trial Court dismissing application under Order 1 Rule 10 CPC for being added as a defendant in a suit for specific performance of the agreement to sell.

Plaintiff Birender Singh Kataria filed a suit against Mr. Sharad Mehrotra, defendant for specific performance of the agreement to sell dated 18.02.2017. It is not disputed before this Court that Mr. Sharad Mehrotra is the owner of the property.

Petitioner filed an application claiming that Mr. Sharad Mehrotra is one of the Director in the company and this property was mortgaged with the bank as a security against cash credit limits availed by the company. On basis thereof, the application for impleadment was filed, which has been dismissed by recording a finding that the company is totally a stranger and has no interest in the suit which is for specific performance of the agreement to sell.

The present revision petition has been filed by one Manish

Mehrotra in his individual capacity, challenging the aforesaid order. The company has not filed a revision petition.

I have heard learned counsel for the petitioner at length and with his able assistance gone through the document in the file.

It is not disputed that neither the company, namely, Mutual Pharma Pvt. Ltd. nor the petitioner have any right, title or interest in the suit property. It is further not disputed that the company, namely, Mutual Pharma Pvt. Ltd. and the petitioner are not party to the agreement to sell, which is sought to be specifically enforced.

In view thereof, there is no ground to interfere with the impugned order passed by the learned trial Court.

The revision petition is dismissed.

December 21, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No