

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CR No.2343 of 2018  
Date of decision:06.04.2018

Mohan Singh

... Petitioner

Vs.

Roshan Lal and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr. Deepak Sharma, Advocate, for  
Mr. Pankaj Bali, Advocate  
for the petitioner.

**AMIT RAWAL J. (Oral)**

The present revision petition is directed against the impugned order dated 01.12.2017, whereby, third party objections filed by the petitioner, has been dismissed.

Learned counsel for the petitioner submitted that judgment and decree dated 27.09.2010 in a civil suit No. 486 of 2010 seeking specific performance of the agreement to sell dated 10.01.2003 in respect of land measuring 6 kanals 19 marlas, was passed at the back of the petitioner, i.e., prior to the agreement to sell dated 24.10.2002 executed by vendor in respect of the same land, whereas, the entire sale consideration has been paid and possession thereof was also given. It is in that background, the objection petition was filed but the same has been dismissed in summarily manner and that too without even framing the issues, therefore, the impugned order is not sustainable in the eyes of law. He further submitted

that the aforementioned decree has attained finality upto the Lower Appellate Court. However, RSA bearing No.6 of 2014 is pending adjudication before this Court.

I have heard the learned counsel for the petitioner and appraised the paper book.

Before I could give my reasoning for deciding the aforementioned petition, called upon Mr. Sharma, as to whether the petitioner has availed the remedy of filing suit of specific performance in respect of the agreement to sell dated 24.10.2002, the answer was in affirmative and the suit is at the initial stage and the decree passed is also under challenge. In such circumstances, third party objections are not maintainable. The petitioner has independent remedy to seek relief in accordance with law in the pending suit but not in the manner and mode as indicated above.

No ground is made out for interference in the impugned order.

Accordingly, the revision petition stands dismissed.

(AMIT RAWAL)  
JUDGE

April 06, 2018  
savita

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|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |