

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.2668 of 2018

Date of decision:06.12.2018

Wazir Singh Choudhary

... Petitioner

Vs.

Ajay Pal Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Prateek Gupta, Advocate
for the petitioner.

Mr. Neeraj Sharma, Advocate
for the respondent.

AMIT RAWAL J. (Oral)

The present revision petition is directed against the impugned order dated 08.12.2017, whereby, an application of the petitioner-defendant moved under Order 7 Rule 11 CPC, for rejection of the plaint, has been partly allowed by directing the plaintiff to pay the Court fee in a suit for mandatory injunction seeking specific performance of the agreement to sell dated 05.10.2012.

Mr. Prateek Gupta, learned counsel appearing on behalf of the petitioner-defendant submitted that suit for mandatory injunction seeking specific performance is not maintainable, therefore, the Court below ought to have rejected the plea.

Mr. Neeraj Sharma, learned counsel appearing on behalf of the respondent-plaintiff submitted that an application for amendment of the

plaint for incorporating the relief of specific performance is pending adjudication. No order has been passed in view of the interim order dated 26.04.2018 passed by this Court.

In view of such statement made by learned counsel for the parties, no cause of action survives in the present revision petition. However, liberty is granted to the petitioner to raise all possible pleas in the pending application.

Revision petition stands disposed of.

(AMIT RAWAL)
JUDGE

December 06, 2018
savita

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