

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR 521-2018 (O&M)

Date of decision: 25.01.2018

Bhupinder Singh

.....Petitioner

versus

Vivek Gupta and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.U.K.Agnihotri, Advocate for the petitioner

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J. (Oral)

Petitioner has impugned the order dated 16.12.2017 passed by learned Civil Judge (Junior Division), Chandigarh, vide which, application of the present petitioner-defendant filed under Order 7 Rule 11 CPC was dismissed.

I heard learned counsel for the petitioner.

It comes out that respondent-plaintiff has filed a suit for possession by way of specific performance of the agreement to sell dated 10.11.2009. Defendant no.1 seeks rejection of the plaint on the ground that under Clause 10 of the allotment letter by Chandigarh Housing Board, sale of the dwelling unit/ flat is barred for 10 years. Therefore, it is contended that agreement is *void ab initio*.

I am of the view that whether the agreement is absolutely *void ab initio* or some of its clauses can be enforced, is to be seen after recording the evidence. All the relief claimed in the plaint cannot be stated to be

barred by some law. Findings on merits are required to be recorded.

Therefore, there is no illegality or infirmity in the impugned order.

Consequently, the present revision petition stands dismissed.

25.01.2018
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:	Yes
Whether Reportable:	No