

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

**CR No.9037 of 2017 (O&M)
Date of decision : May 21, 2018**

Avtar Singh and another Petitioners

Versus

Ramesh Chander Sharma and others Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- None for the petitioners.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

None has appeared, despite second call.

None has come present on behalf of the petitioner to assist this Court, therefore, I have gone through the file and considered the case of the petitioners.

It comes out that the plaintiff has filed as suit for possession by way of specific performance of agreement to sell dated 03.04.2010 executed by defendant Nos.1 and 2 in favour of the plaintiff regarding the suit land. During the trial, defendant Nos.1 to 3 filed an application for directing the plaintiff to get the sale deed executed, in terms of the agreement dated 03.04.2010.

The trial Court found that the plaintiff had entered into an agreement to sell only with defendant Nos.1 and 2 projecting themselves to be exclusive owners in possession of the entire suit land but defendant Nos.1 and 2 in collusion with defendant Nos.3 and 4 committed fraud with the plaintiff and received huge amount in pursuance of the agreement to sell.

The trial Court took the view that such a direction cannot be issued and matter is to be decided on merits after recording evidence of both the parties. Accordingly, the issues were framed.

I am of the view that the trial Court has taken a right approach in deciding that the matter cannot be summarily decided on the application of defendant Nos.1 to 3 and the evidence is required to be adduced. Therefore, there is no illegality of perversity in the impugned order.

As such, the present revision petition is dismissed. Since the main revision petition has been dismissed, therefore, the pending application, if any, also stands disposed of.

(KULDIP SINGH)
JUDGE

May 21, 2018

sarita

Whether speaking / reasoned Yes

Whether Reportable: No