

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

Sr. No.120

**CR-169-2022 (O&M)**  
**Date of decision : 01.02.2022**

Baj Singh

..... Petitioner

VERSUS

Gagandeep Singh and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present: Mr. Kanwar Pahul Singh, Advocate, for the petitioner.

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**SUDHIR MITTAL, J. (Oral)**

The first respondent has filed a suit for specific performance against the second respondent, wherein, the second respondent has suffered a statement in favour of the first respondent that sale deed be executed in his favour. Thereafter, she has stopped appearing in Court. The petitioner filed an application under Order 1 Rule 10 CPC for impleadment as a party-defendant as allegedly the second respondent had earlier executed an agreement to sell in his favour and had received a sum of Rs.2.00 lacs as earnest money in respect of the same property. The application has been rejected by the trial Court on the ground that the petitioner is neither a necessary nor a proper party for a decision of the suit.

In the suit filed by respondent No.1, the petitioner cannot be granted any relief. He can neither seek specific performance of agreement to sell nor can he seek refund of earnest money allegedly paid by him. Thus, the trial Court was justified in rejecting his application under Order 1 Rule 10 CPC.

The revision petition has no merit and is dismissed.

(SUDHIR MITTAL)  
JUDGE

**01.02.2022**

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No