

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

114

**CR-5810 of 2016 (O&M)
Date of decision: 05.09.2022**

Gurpreet Singh and others

..Petitioners

Versus

Jaswinder Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. A.S.Bhullar, Advocate
for the petitioners.
Mr. Kulvir Narwal, Advocate and
Mr. Satish Kumar, Advocate,
for the respondents.

ANIL KSHETARPAL, J(Oral)

While questioning the interlocutory orders passed by the trial court on 27.05.2016 as well as on 08.08.2016, the defendants have filed the present revision petition. Their application under Order VII Rule 11 CPC to reject the plaint, at the threshold, has been dismissed by the trial court vide order dated 27.05.2016. A review petition filed by the petitioners has also been dismissed on 08.08.2016.

The plaintiffs have filed a suit for specific performance of the agreements dated 29.12.1992, 16.06.1994 and 05.06.1998. Previously, the plaintiff filed a suit for declaration with consequential relief of mandatory and permanent injunction on the basis of the same agreements dated 29.12.1992, 16.06.1994 and 05.06.1998. The suit was dismissed on the ground that no declaration to the effect that the plaintiff has become owner on the basis of agreements, can be granted. The plaintiff's application for amendment of the plaint in order to incorporate the relief of specific performance, in the previous suit, was dismissed. There is no finding that the aforesaid agreements are either forged or not binding on the rights of the parties.

In such circumstances, the plaint filed by the plaintiff for specific performance of the agreement to sell cannot be rejected at the threshold.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

September 05, 2022

(ANIL KSHETARPAL)
JUDGE

nt

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>