

105

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

CRWP-1097-2022 (O&M)
Date of decision:07.02.2022

AMRINDER SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Gitish Bhardwaj, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

(Through Video Conferencing)

SURESHWAR THAKUR, J. (ORAL)

1. One Maha Singh, predecessor in interest of the petitioner, as revealed by Annexure P-1, executed an agreement to sell with respondent No.5. However, in pursuance to the agreement to sell executed *inter-se* the predecessor in interest of the petitioner, and, respondent No.5, a registered deed of conveyance became executed *inter-se* both. Moreover, it is stated at the bar, by the learned counsel for the petitioner, that now one Maha Singh, the executant of the agreement to sell with respondent No.5, is no longer in the world of living.

2. However, after the demise of the above Maha Singh, co-respondent No.5 is meteing threats to the petitioner, who is the successor in interest of one Maha Singh, to execute a registered deed of conveyance with him, rather in pursuance to Annexure P-1, as became executed *inter-se* him, and, one Maha Singh.

3. *Prima-facie* at this stage, the *mens-rea* to not put into action the agreement to sell executed *inter-se* the predecessor in interest of the petitioner,

and, respondent No.5, was inhering solely in the above one Maha Singh.

Moreover, *prima-facie* it never inhered in the petitioner, upon whom, the estate of Maha Singh has devolved.

4. The learned counsel appearing for the petitioner, fairly states at the bar, that during the time of Maha Singh no action either civil or criminal become drawn against the above, at the instance of respondent No.5. The effect of want of initiation of the above action(s), against one Maha Singh, by co-respondent No.5, during the former's lifetime, obviously does not, at this stage, provide any leverage to the respondent No.5, hence to draw any civil or criminal action against the petitioner. However, yet only if there is no *prima-facie* evidence suggestive of the fact, that in contemporaneity to the execution of the apposite agreement to sell, the petitioner, also held knowledge in respect thereof, otherwise maybe not. In any case the afore is a matter of investigation, and it is to be unearthed through participation of the petitioner in the relevant investigations, to be carried into complaint, if any, as maybe *subjudice* before the police agency concerned.

5. Moreover, since the estate of deceased Maha Singh has been inherited by the petitioner. Therefore, the latter would be under an obligation to shoulder the responsibility, as burdened, upon the estate inherited by him, from one Maha Singh, inclusive of the factum, that in case the agreement to sell (*supra*), is evidently both voluntarily, and, validly executed to, proceed to, in pursuance thereof, hence execute a registered deed of conveyance with co-respondent No.5. Even the afore is to be endeavoured, through a notice in respect thereof, being served by co-respondent No.5, upon the petitioner, and, if the petitioner is unresponsive thereto, and for no valid reason, thereupon he may become amenable for drawings of appropriate action, in accordance with law.

6. Consequently, liberty is reserved to co-respondent No.5 to, issue a notice upon, the petitioner to, execute a registered deed of conveyance with respect to the property mentioned in the agreement to sell, as became drawn *inter-se*, his predecessor in interest, and, co-respondent No.5. Furthermore, in case there is refusal on no valid grounds, on the part of the petitioner to do so, and, in case there is a complaint instituted by co-respondent No.5, rather suggestive of the petitioner holding knowledge, and, sharing *mens rea* with his deceased father, to intentionally despite vicariously receiving sale consideration rather not put it into action, thereupon, it is open to the investigating agency concerned, to draw appropriate action(s) in accordance with law.

7. Conspicuously, since a period of 10 years has elapsed, from the date of drawing of agreement to sell, and, the demise of Maha Singh. Therefore, if a complaint is instituted with respect to the afore, the afore factum shall also be borne in mind by the investigating officer concerned, who makes investigation into the apposite complaint.

8. With the afore observations, the petition is disposed of.

9. Pending miscellaneous application(s), if any, stand(s), disposed of.

07.02.2022

ithlesh

(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:

Yes/No