

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

126

**CR-625 of 2022(O&M)
Date of Order: 18.04.2022**

Mukesh Saini @ Mukesh Kumar Saini

..Petitioner

Versus

Lakshita and another

.Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

ANIL KSHETARPAL, J(Oral)

The petitioner herein is alleged to be husband of the respondent (wife). She has filed a suit for specific performance of the agreement to sell. The suit is now fixed for final arguments. The petitioner's application for impleading party in the suit has been dismissed.

The learned counsel representing the petitioner contends that the petitioner financed the aforesaid agreement to sell, therefore, he is owner of the property.

As of now, the petitioner's wife is only a plaintiff in a suit for specific performance. The applicant can claim a right only when the suit filed by the petitioner's wife is decreed. At the most, the petitioner claims that he is an actual owner and his wife is a benami holder. In a suit for specific performance, such dispute cannot be decided.

Keeping in view the aforesaid facts, the revision petition is dismissed.

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

April 18, 2022
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No