

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

Sr. No.258

CR No.2029 of 2019

Date of Decision: 27.10.2022

Rahul Kalsi and another

.... Petitioners

Versus

Dr. Sanjay Gupta and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Tanmoy Gupta, Advocate for the petitioners.

Mr. Saurabh Arora, Advocate for respondent No.1.

Mr. Ajay Ghangas, Advocate for respondent No.2.

TRIBHUVAN DAHIYA, J.

This revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 06.12.2018 passed by the trial Court by which application under Order I Rule 10 of Code of Civil Procedure filed by respondent No.1 has been allowed, and he has been ordered to be impleaded as defendant in the suit filed by the petitioners/plaintiffs.

2. The plaintiffs filed a suit for permanent injunction based on an agreement to sell dated 01.09.2016 (Annexure P-4) whereby respondent No.2-Sonya Gupta agreed to sell her residential house No.2, Club Marg, measuring 420 sq. mtrs., situated in DLF Qutab Enclave Complex, Phase-I, Gurugram, for a total sale consideration of Rs.1,80,00,000/-. The plaintiffs claimed to have paid a sum of Rs.18 lakh as part payment/earnest money to

her at the time of execution of the agreement to sell. On these pleadings, a decree for permanent injunction restraining respondent No.2/defendant from selling/alienating her share in the property in question was sought.

3. The suit in question has been filed with respect to the residential house at Gurugram. By filing the application for being impleaded, respondent No.1 claimed that the house was purchased by him jointly with the defendant/respondent. They are husband and wife, though living separately now and litigation between them on matrimonial issues is pending. Respondent No.1 has already filed a suit for declaration for exclusive ownership of the house in question, and in that suit the trial Court, vide order dated 02.09.2013, has directed respondent No.2 herein/his wife, to maintain *status quo* with regard to alienation of the suit property. These facts were not disputed by respondent No.2. Respondent No.1 also stated that the plaintiffs have filed the instant suit only to by-pass the aforesaid directions/interim order issued against the defendant/respondent. In these circumstances, trial Court held that respondent No.1 was a necessary party as directions issued in the present suit would have a bearing on his rights in the suit property/residential house.

4. In view of the aforesaid, no exception can be taken to the order passed by the trial Court impleading respondent No.1 as party to the suit.

5. Petition stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

27.10.2022
Maninder

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