

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

**130**

**2023:PHHC:130692**

**CR-1974-2019**

**Date of decision: 09.10.2023**

**RAVINDER**

**..Petitioner**

**Versus**

**SUMAN AND ANR**

**..Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. J.P. Sharma, Advocate  
for the petitioner.

Mr. Santosh Kumar Tripathi, Advocate  
for respondents.

**ANIL KSHETARPAL, J(Oral)**

1. Through this revision petition, the correctness of the order dated 05.03.2019 passed by the learned Additional Civil Judge, Senior Division, Rewari, while dismissing the petitioner's application under Order I Rule 10 of the Code of Civil Procedure, 1908, to implead him as a defendant in a suit for specific performance of the agreement to sell, has been challenged. Smt. Suman Devi filed a suit for specific performance of the agreement to sell against Smt. Sunita Devi. The petitioner son of Smt. Sunita Devi filed an application when the case was at the fag end of the trial. The Court dismissed the same.

2. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

3. The learned counsel representing the petitioner contends that in fact a family settlement took place between the parties on 11.07.2010 according to which the suit property came in the share of the petitioner therefore, he submits that the petitioner is a necessary party.

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4. This Court has considered the submissions of the learned counsel representing the parties, however, finds no substance therein.
5. In a suit for specific performance of the agreement to sell, the Court is required to decide about the enforceability of the agreement to sell. The *inter se* dispute between the family members of the defendant would not ordinarily be decided in a suit for specific performance of the agreement to sell.
6. Keeping in view the aforesaid facts, no ground to interfere is made out.
7. Dismissed accordingly.
8. All the pending miscellaneous applications, if any, are also disposed of.

October 09<sup>th</sup>, 2023  
Ay

(ANIL KSHETARPAL)  
JUDGE

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