

2024:PHHC:055686

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

CR-3308-2023 (O&M)
Date of decision: 24.04.2024

Murti

....Petitioner

Versus

Surinder Singh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Sumit Sangwan, Advocate for the petitioner

Mr. C.S.Singh, Advocate for
Mr. Ramesh Hooda, Advocate for respondent no.2

ANIL KSHETARPAL, J (Oral)

1. The petitioner herein has filed a suit for the specific performance of the agreement to sell dated 16.11.2021 against Sh.Surinder Singh. During the pendency of the suit, Sh.Surinder Singh's brother filed an application under Order I Rule 10 of the Code of Civil Procedure, 1908 on the ground that he has become owner of the property by virtue of an unregistered sale deed dated 09.12.2000. The aforesaid application has been allowed. The correctness of the aforesaid order has been challenged in this revision petition.

2. The learned counsel representing the petitioner contends that the plaintiff is dominus litis and he cannot be forced to litigate against respondent no.2, who has no right, title or interest because the unregistered sale deed of Rs.16,00,000/- is not valid. He submit that if the impugned order is sustained, it would result in delaying the disposal of the suit.

3. Per contra, the learned counsel representing respondent no.2 submits that rights of the parties shall be decided in the suit and therefore, this Court should not interfere.

4. On a Court question, the learned counsel representing the parties admit that the case is at the preliminary stage. There may be some substance in the argument of the learned counsel representing the petitioner to the effect that an unregistered sale deed may not result in transferring the title in favour of respondent no.2. However, at this stage, it will not be appropriate to express any final opinion. If the impugned order is upheld, the trial court will be entitled to comprehensively decide the suit with respect to all the contesting parties in one go. Moreover, it will be in the interest of the petitioner, if the claim of respondent no.2 is also adjudicated in this suit. It would avoid the multiplicity of the litigation.

5. Keeping in view the aforesaid facts, no ground to interfere is made out.

6. Hence, dismissed.

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

24.04.2024

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE