

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

122

2024:PHHC:057052

CR-5157-2019

Date of decision: 26.04.2024

RAJINDER SINGH

..Petitioner

Versus

AMARJEET SINGH AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gaurav Singla, Advocate
for the petitioner.

Mr. D.S. Virk, Advocate
for respondent No.1 and 2.

Mr. Rajeev Dev Sharma, Advocate
for proforma respondent No.7(ii).

Mr. Iqbal Singh Maan, Advocate
for respondent No.12.

ANIL KSHETARPAL, J(Oral)

1. The petitioner herein is the defendant in a suit filed by the plaintiffs (respondents herein) for specific performance of contract of sale dated 12.01.2012 executed by defendant No.5 to 10 in favour of plaintiff No.2 and agreement to sell dated 24.12.2015 executed by plaintiff No.2 on the basis of agreement to sell dated 12.01.2012 with a prayer to grant decree of declaration that the transfer deed dated 12.12.2017 executed by defendant No.2 to 5 in favour of defendant No.1 is illegal, null and void with a consequential relief of mandatory and permanent injunction. The defendants filed an application for rejection of the plaint at the threshold on the ground that no cause of action has been disclosed. The trial Court rejected the same on the ground that at this stage, the plaintiffs have disclosed sufficient cause of action for filing the suit.

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

3. From reading of para 23 of the plaint, it is evident that the plaintiffs have disclosed the cause of action for filing the suit in the following manner:-

“23. That cause of action for filing the present suit arose to the plaintiffs against the defendants when the defendant No.5 to 7, a week back flatly refused to execute and register the sale deed in favour of the plaintiff No.2 or in favour of plaintiff No.1 directly and rather the defendants No.1 to 5 on the basis of the illegal transfer deed dated 12.12.2007 tried to take the forcible possession of the suit property from the plaintiff No.1 as has been explained hereinabove. In these circumstances, the plaintiffs have filed the present suit without any delay.”

4. Thus, the statement of the learned counsel representing the petitioner that the plaintiffs have not disclosed cause of action is not correct.

5. Hence, no ground to interfere is made out.

6. Dismissed accordingly.

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

April 26th, 2024

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**(ANIL KSHETARPAL)
JUDGE**

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