

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

115

CR-5049-2025 (O&M)

Date of decision: 01.08.2025

Amit Rai

...Petitioner(s)

Vs.

Buta Ram @ Buta Singh

...Respondent(s)

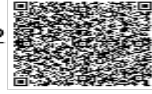
CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Sanjeev Kumar Arora, Advocate for the petitioner.

NIDHI GUPTA, J.

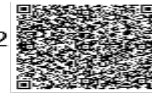
Present Civil Revision Petition under Article 227 of the Constitution of India has been filed by the plaintiff for setting aside the impugned orders dated 09.10.2024 (Annexure P-1) and dated 15.05.2025 (Annexure P-2) passed by the Additional Civil Judge (Senior Division), Guruharsahai, District Ferozepur in Civil Suit No. 114 of 2019 titled as "Amit Rai Vs. Buta Ram @ Buta Singh", now pending for 02.08.2025, whereby the applications filed by the petitioner-plaintiff for impleading: a) Gurpreet Singh son of Ramesh Lal son of Gajjan Ram; b) Vijay Kumar son of Gurbachan Lal; c) Subhash Chander son of Mehnga Ram son of Jimidar; d) Amrik Chand son of Mehnga Ram son of Jimidar; and e) Sandeep Chand son of Mehnga Ram son of Jimidar, residents of Village Chak Mahanta Wala, Tehsil Guruharsahai, District Ferozepur as parties, have been dismissed.

2. Brief facts of the case are that the petitioner had filed a suit for possession by way of specific performance of Agreement to Sell dated 05.01.2016 alongwith consequential relief of permanent injunction; **and** in



the alternative suit for recovery of Rs.3,65,625/-. The suit (Annexure P-3) was instituted by the petitioner on 08.05.2019. The respondent/defendant had appeared and filed written statement dated Nil (Annexure P-4). On 15.11.2023, petitioner had moved an application under Order 1 Rule 10 CPC (Annexure P-5) for impleading 3 persons, namely Gurpreet Singh son of Ramesh Lal son of Gajjan Ram; Vijay Kumar son of Gurbachan Lal son of Khiwan Ram; and Subhash Chander son of Mehnga Ram son of Jimidar, as party in the present suit. Few days thereafter, petitioner had moved second similar application dated 02.12.2024 (Annexure P-7) under Order 1 Rule 10 CPC for impleading 2 persons, namely Amrik Chand son of Mehnga Ram son of Jimidar and Sandeep Chand son of Mehnga Ram son of Jimidar as party/defendants in the suit. Vide impugned order dated 09.10.2024 (Annexure P-1), the first application of the petitioner (Annexure P-5) has been dismissed; and vide the second impugned order dated 15.05.2025 (Annexure P-2), the second application (Annexure P-7), has been dismissed.

3. Learned counsel for the petitioner submits that the learned Courts below were in error in dismissing the applications of the petitioner only on the ground of delay as they failed to appreciate that it was only during cross-examination of the respondent/defendant No.1 on 20.09.2023 that it was revealed to the petitioner that the suit property had been sold by respondent/defendants to the proposed defendants. It is submitted that therefore, the same cannot be construed as any delay on the part of the petitioner as he got the knowledge of sale of suit land when it was revealed by the defendant No.1 on 20.09.2023 during his cross-examination. It is



accordingly submitted that subsequent vendees being necessary parties, applications of the petitioner could not have been dismissed.

4. It is accordingly prayed the present Civil Revision Petition be allowed; and impugned orders be set aside.

5. No other argument is raised on behalf of the petitioner/plaintiff.

6. I have heard learned counsel and perused the case file in detail.

7. I am not inclined to grant the prayer made by the petitioner on account of the fact that the record reveals that the petitioner has exhibited a careless and lackadaisical attitude. Admittedly, the suit was filed by the petitioner/plaintiff on 08.05.2019. The trial was at the stage of rebuttal evidence and arguments when the present application was filed by the petitioner on 15.11.2023. It is the case of the petitioner that he received knowledge of alienation of part of the suit property only upon cross-examination of defendant No.1 on 20.09.2023. However, the record reveals that on 17.05.2023, defendant in his cross-examination had stated that ***"Earlier I was having one acre land and I sold major part in the year 2016-2017 and only one or two canal again said ten marlas land left with me"***.

8. Therefore, although the defendant in his above said cross-examination had clearly revealed that major part of the suit land has been sold by him in the year 2016 yet no effort was made by the plaintiff to delve deeper, get the required information, and take necessary action. Again,

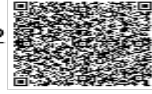


upon cross-examination of defendant No.1 on 20.09.2023, the defendant had elaborated further on the previous testimony and had now stated as follows:-

"I cannot produce the copy of alleged sale deed which I have stated in my earlier statement that I have sold part of the suit land. Even I cannot tell the date of sale and its wasika number. The name of the person to whom I alleged that I have sold are Gurpreet Singh son of Harmesh Lal resident of Chak Mahanta Wala and Subhash Chand, Sandeep Kumar and Amrik Chand son of Mahnga Ram, three brothers, all resident of village Chak Mahanta Wala"

9. Despite the fact that the above said names/information was provided to the petitioner on 20.9.2023, the present application was not filed up to 15.11.2023, despite the fact that the matter was listed thereafter on 27.09.2023, 04.10.2023, 18.10.2023, 25.10.2023, 08.11.2023. No reason is given for this.

10. Further, even when the said application was finally filed on 15.11.2023 (Annexure P-5), the petitioner had inadvertently and mistakenly omitted to mention names of 2 vendees and had mentioned names of only 3 vendees. Accordingly, petitioner had then filed the second application dated 02.12.2024 (Annexure P-7), seeking impleadment of the remaining two vendees. The above sequence of events clearly establishes that the petitioner has not pursued his case diligently. Even otherwise, in a suit of this nature, it would be fair to assume that prior to entering into Agreement with the defendants and filing the suit the petitioner would have carried



out due diligence in respect of the suit property. However, it appears to the contrary.

11. Given the above facts, I am in complete agreement with the observations made by the learned Additional Civil Judge (Senior Division) Guruharsahai in para 10 of the impugned order dated 09.10.2024, which reads as under: -

“10. The jamabandi Ex.P5 has been placed on record by applicant/plaintiff himself at the start of the trial and the applicant/plaintiff was duty bound to check the same. Even during evidence, respondent/defendant repeatedly stated that he had sold some portion of land but despite that applicant/plaintiff did not swing into action. Simply by averring that now he has come to know about the alienations does not grant any right to the applicant/plaintiff to restart the trial which is pending since 2019. The litigants cannot misuse the provisions of procedural law to delay a trial and the administration of justice. It is unfortunate that the applicant/plaintiff has given no explanation in support of his lethargic approach and merely recorded in his application that he was not having knowledge.”

12. In view of the above, no ground is made out to interfere in the impugned orders.

13. The present Civil Revision Petition is accordingly **dismissed**.

14. Pending application, if any, stands disposed of.

01.08.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

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