

Daya Ram and Others Vs. Nexus Sourcing Solutions Private Limited

Daya Ram and Others Vs. Nexus Sourcing Solutions Private Limited

SooperKanoon Citation : sooperkanoon.com/1064897

Court : Punjab and Haryana

Decided On : Feb-11-2013

Appellant : Daya Ram and Others

Respondent : Nexus Sourcing Solutions Private Limited

Judgement :

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH Civil Revision No.952 of 2013 (O&M) Date of decision: February 11, 2013 Daya Ram and others .Petitioners versus Nexus Sourcing Solutions Private Limited .Respondent Coram: Hon'ble Mr.Justice A.N.Jindal Present: Mr.Shailendra Jain, Advocate for the petitioneRs.A.N.Jindal, J The petitioners have sought to set aside the order dated 14.12.2012 (Annexure P/6) passed by the trial court.

Learned counsel for the petitioner has stated that on the basis of the alleged receipt dated 2.8.2007, earlier the petitioner had filed a suit, on 30.10.2009, for permanent and mandatory injunction, directing the petitioner to execute the agreement.

Then, two years thereafter i.e.on 6.3.2010, the respondents moved an application for amendment of the plaint to convert the suit into the suit for specific performance, on the basis of the alleged receipt dated 2.8.2007.

The trial court has allowed the amendment.

The learned counsel has f contended that the receipt was a mere offer prior to the conclusion of the agreement, therefore, the same could not be treated as an agreement to sell.

Further he has urged that this amendment, would not trace back to the date of receipt and the amended suit would be barred by limitation.

Having heard the rival contentions and without going into the illegality of the order, this court deems it appropriate that the trial court on completion of the pleadings would decide the following two preliminary issues :- 1.

Whether the suit for specific performance was maintainable on the basis of the receipt dated 2.8.2007?.

2. Whether the suit, on amendment, is within limitation?.

Civil Revision No.952 of 2013 (O&M) -2- Disposed of accordingly and the trial court would decide the aforesaid preliminary issues as expeditiously as possible.

This petition is disposed of without serving notice to the respondents with a view to impart complete justice to the parties and to save the huge expenses, which may be incurred by the respondents as also in order to avoid unnecessary delay in adjudication of the matter.

Still, if dissatisfied, the respondents may move to this court for recalling this order.

February 11, 2013 (A.N.Jindal) deepak Judge

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com