

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 1198 of 2013 (O&M)
Date of decision: 09.07.2015

Varinder Kaur

... Petitioner

versus

Satpaul Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Navdeep Chhabra, Advocate for the petitioner.

Mr. Sanjeev K. Arora, Advocate for respondent Nos. 1 and 2.

K.Kannan, J.

In a suit for specific performance brought for enforcement of an agreement against the petitioner's suit, the petitioner sought for impleadment to contend that her brother was not competent to execute the sale and that the petitioner alone is the owner of the property having benefit of bequest from her mother. The issue relating to the claim to title is alien to the suit for specific performance. If the petitioner's apprehension is that the plaintiff has filed the suit for specific performance is likely to create a trouble at the stage of execution by laying claim against her interest that adjudication regarding the title cannot be brought in a specific performance suit. If the plaintiff has apprehensions of such an event at the instance of the plaintiff for specific performance she may choose to file her own independent suit against her brother and establish the Will under which she makes her claim and make the plaintiff in the suit for specific performance, a party to such a suit. Any decision relating to title of property ought to be in an independent suit only and trial on validity and enforceability of agreement shall not be hampered by any 3rd party to the agreement seeking for an adjudication as regards her own title as claimed by her.

The application for impleadment has been dismissed which in my view is in accordance with law and I will find no reason for intervention in revision.

The civil revision petition is dismissed but with liberty to the petitioner to adopt the procedure as laid down above.

(K.KANNAN)
JUDGE

09.07.2015
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