

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

CR No. 1224 of 2013 (O&M)
Date of decision: March 23, 2015

Tej Kaur

...Petitioner

Versus

Bhupinder Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

1. **Whether Reporters of local papers may be allowed to see the judgment ? Yes**
2. **To be referred to the Reporters or not ? Yes**
3. **Whether the judgment should be reported in the Digest? Yes**

Present: Mr. AP Kaushal, Advocate,
for the petitioner.

Mr. SS Swaich, Advocate,
for respondents No. 1 and 2.

K. KANNAN, J. (Oral)

1. A third party in a suit for specific performance brought a plea that he is the owner of the property and specific enforcement sought by the plaintiff in respect of alleged agreement executed by the defendant in respect of the property of which the defendant was not the owner. In a suit for specific performance, the only relevant issue would be the truth and genuineness of the agreement and its enforceability as well as the readiness and willingness of the plaintiff. The issue of title is irrelevant and a third party who may apprehend his own rights being threatened by the parties in the suit may have his own independent action for declaration or may resist any threat of dispossession at appropriate stage when the decree holder seeks to put a decree in execution, if the plaintiff is successful. The trial will not be deflected to any other issue regarding the title. The dismissal of

the petition for impleadment is justified and I find no reason to modify the same.

2. The revision petition is dismissed.

March 23, 2015
prem

(K.KANNAN)
JUDGE