

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.3208 of 2015 (O&M)

Date of Decision.15.05.2015

Harbinder Singh alias Harbrinder Singh

.....Petitioner

Versus

Jaswinder Singh and others

.....Respondents

Present: Mr. Avnish Mittal, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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

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K. KANNAN J. (ORAL)

1. In a suit for specific performance, the plaintiff sought for stay of proceedings in suits brought amongst the defendants inter se where title of the property was at large. The objection to the petition was that irrespective of the person in whose favour the title is upheld, the plaintiff would be entitled to secure a decree for specific performance. The Court that passed a decree for specific performance does not give any warranty for title and it will be open to the plaintiff of securing a sale deed to take appropriate action for damages if there is any failure of title or may seek for rescission of contract itself and seek for recovery of damages for advance money paid. The dispute on title in suits inter-parties which are said to be pending and instituted previously cannot be stayed by invoking the provisions under Section 10 CPC. The Court below while considering the application under Section 10 has observed that Section 10 CPC application cannot be filed in the

appeal proceedings. That observation is clearly wrong in law but I will still hold that there was no justification for the plaintiff to have his own suit or appeal stayed till the conclusion of the earlier proceedings relating to title.

2. I support the order on different reasoning and I find no cause for interference. The civil revision is dismissed.

(K. KANNAN)
JUDGE

May 15, 2015
Pankaj*