

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

C.R. No.4008 of 2015

Date of Decision.01.07.2015

Neena Rani and others

.....Petitioners

Versus

Jeewan Kumar Gupta and others

.....Respondents

Present: Mr. Harkesh Manuja, Advocate
for the petitioners.

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, a third party sought an impleadment on a ground that the suit property includes reference to his share of the property also and the defendant was not empowered to enter into any agreement with reference to his share. The trial in suit for specific performance does not involve issue of title at all and impleadment by a person setting up an independent title is bound to cause a confusion.

2. The petitioners bring to Court's knowledge of the fact that in yet another suit filed in respect of the very same property, they are the defendants and the same has been ordered to be tried along with the instant suit and these two suits are merely ordered to be tried simultaneously and not directed to be taken through a joint trial. It is, therefore, likely that there are still two independent judgments, one conflicting with the other. The petitioners' contention is that by their

impleadment they will be able to fend off the relief of specific performance and point out to the Court that the Court shall not exercise the discretion in the manner contemplated under Section 20 of the Specific Relief Act.

3. The petitioners can protect their own right by seeking for a joint trial before the Court where the cases are pending. If such a request is made, it will be considered by the Court after hearing objection from the other side and the trial will abide by such decision. With these observations, the civil revision is disposed of.

(K. KANNAN)
JUDGE

July 01, 2015
Pankaj*