

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

\*\*\*\*

**CR No.382 of 2014**

**Date of Decision:10.12.2015**

**Gurmail Singh**

**.....Petitioner**

**Vs.**

**Jit Singh and another**

**.....Respondents**

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

Present:- Mr. Jai Bhagwan, Advocate for the petitioner.  
Mr. Aseem Kataria, Advocate for respondents  
No.1 and 2.  
Mr. G.S. Punia, Advocate for Mr. P.S. Punia,  
Advocate for respondent No.3.

\*\*\*\*

**K. KANNAN, J.(Oral)**

In a suit for specific performance, a third party application under Order 1 Rule 10 was filed by a person who holds a decree for specific performance in respect of the very same subject matter which is said to be still pending adjudication against the decree granted in his favour before this Court. There has been a liberal approach adopted by the Surpeme Court in A. Nawab John and others v. V.N. Subramaniam, 2012(4) ALL MR 481, that has allowed for even a pendente-lite purchaser who purchased the property despite an order of injunction and was clearly in contempt of Court. The Court directed the impleadment stating that interest of justice would required such a course. Though normally in a suit for specific performance, a consideration of title is irrelevant, to examine whether the equitable considerations could be extended to the plaintiff to enforce an agreement and there is a claim in relation to the very same property through another suit by a third party against the vendor which might surely have a relevance for consideration of whether to grant the discretionary relief or not.

The third party although not a necessary party would be proper under the peculiar circumstances of the case.

The order already passed allowing for impleadment is maintained and the revision petition is dismissed.

**December 10, 2015**  
**renu**

**( K.KANNAN )**  
**JUDGE**