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

CR No.4385 of 2015

Date of decision: July 15, 2015

Narinder Kumar

.....Petitioner

Versus

Nirmal Kumar and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Ishwar Lal, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 06.05.2015.

Learned counsel for the petitioner has submitted that respondent No.3-Sharda Devi had executed an agreement to sell in favour of the petitioner on her own behalf and on behalf of her minor children-respondent Nos.1 and 2. Sharda Devi took permission from the Court before executing the agreement to sell in question in favour of the petitioner. Sharda Devi had filed written statement in the suit filed by the petitioner for specific performance of agreement to sell in question. Although, now respondent Nos.1 and 2 had attained the age of majority, but there was no cause of action available to them to file a separate written statement.

In the present case, petitioner has filed suit for specific performance of agreement to sell dated 12.11.2007

and 09.07.2008. Sharda Devi-respondent No.3 had filed written statement on her own behalf and on behalf of her minor children-respondent Nos.1 and 2. Thereafter, on attaining the age of majority, respondent Nos.1 and 2 had moved an application for permission to contest the suit independently and filed their written statement. The agreement to sell in question was executed by respondent No.3 on her own behalf and on behalf of her minor children-respondent Nos.1 and 2. Admittedly, now the respondent Nos.1 and 2 had attained the age of majority. The respondent Nos.1 and 2 have a right to contest the suit independently after they had attained the age of majority. In these circumstances, the learned Appellate Court, vide the impugned order, rightly allowed the application moved by the respondent Nos.1 and 2 to allow them to file their written statement and contest the suit independently.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

July 15, 2015

m.singh