

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 4744 of 2013

Date of decision: 11.08.2015.

Smt. Sheela Rani

... Petitioner

versus

Tarun Kumar and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. S. L.Barwala, Advocate for the petitioner.

Mr. Manoj Kumar Tanwar, Advocate for respondent No.2.

K.Kannan, J.

The 2nd defendant who is not a party to the agreement which is sought to be executed through suit for specific performance objected to the *ex-parte* order being passed. The Court found that he had already appeared in person at some point of time and if a statement has been filed by the 1st defendant through counsel she can participate in the proceedings and allowed the case to be adjourned to another date. According to the counsel appearing on behalf of the 2nd defendant-petitioner, she is not a party to the agreement. If the Court has allowed for the 2nd defendant to participate in the proceedings, it must be taken that her interest is sufficiently protected and she can engage a counsel to defend her interest including a fact that a decree cannot be granted against a person who is not privy to the contract.

I make no modification of the order except to clarify that the petitioner's interest to still be protected by appropriate participation the way the trial Court has provided for. The revision petition is disposed of with above observations.

(K.KANNAN)
JUDGE

11.08.2015

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