

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

CR No. 5858 of 2014 (O&M)
Date of decision: March 3, 2015

Kunal Chadda

...Petitioner

Versus

Vijay Kumar Chadha and others

...Respondents

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?**

Present: Mr. Kanwal Goyal, Advocate,
for the petitioner.

K. KANNAN, J. (Oral)

1. The petitioner sought for impleadment in a suit for partition claiming himself to be an agreement holder from the plaintiff and relied on a suit for specific performance which he has already filed to state that he has an interest in the property. A person who is an agreement holder secures a proprietary interest only on securing a decree and if there is suit for specific performance still pending, his rights will abide by the decree that he obtains. If his possession in any way disturbed and if he were to contend that he was actually in possession, that can be done only when any third party seeks to disturb his possession. In a suit for specific performance when he is not yet the owner of the property but has only an agreement, his presence will cause unnecessary confusion. The rejection of the application for impleadment cannot be faulted and I find no reason for interference. However, I clarify that the petitioner's objection could be brought by in an independent action

by resorting to appropriate provision in CPC that allows for adjudication regarding his own right, if the possession is sought to be disturbed under the colour of any decree that is passed by the civil court.

2. The revision petition is disposed of with the above observations.

March 3, 2015
prem

(K.KANNAN)
JUDGE