

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

CR No. 6126 of 2013 (O&M)

Date of decision: 12.10.2015

Baljit Singh

... Petitioner

versus

Jagmeet Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Parminder Singh Kanwar, Advocate for the petitioner.

K.Kannan, J.

In a suit for specific performance the 3rd party claimed that he had held an oral agreement of sale from the defendant, the court declined to entertain such an application and dismissed it. The revision petition filed in the year 2013 arrives for argument after innumerable written adjournment pleas sought by the petitioner in the last two years. What the petitioner did not think it necessary to prosecute with diligence he suddenly finds an urgency and needs to be impleaded. The counsel would argue that the Court could not have rejected his plea even without putting the application to notice.

A person who seeks for an impleadment ought to have a tangible interest in the property that he could fend off a claim justifiably. A person that holds an oral argument gets no right to the property till he actually chooses to enforce the so-called oral agreement. If he has to remedy to seek for such enforcement, he could obtain it only through his own suit and he could never have non-suited the plaintiff who held an agreement of sale in his favour, even if as later in point of time to the petitioner's own. The petitioner cannot even treat himself to be aggrieved, for, his own right of enforcement will obtain only in a property instituted suit for specific performance, since a right of retention of possession under Section 53-A of the Transfer of

Property

Act will only avail to the registered document holders. There was no way that a person holding an oral agreement could have thwarted a relief for specific performance brought at the instance of another person and his own non-impleadment could have brought no difference.

I sustain the order of rejection as requiring no interference for the reasons stated above.

The revision petition is dismissed.

12.10.2015

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(K.KANNAN)
JUDGE