

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

CR-807-2015 (O&M)

Date of decision : 20.07.2015

United Church Northern India Trust Association

.....Petitioner

Vs

Shamsher Singh & Ors.

.....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. B.S. Rana, Sr. Advocate with
Mr. Yogesh Goel, Advocate
for the petitioner.

Mr. Dhirinder Chopra, Advocate
for respondent No.1.

Mr. Sanjay Jain, Advocate
for respondents No. 4 & 5.

K. KANNAN, J. (oral)

In a suit for specific performance, application was at the instance of the person claiming to be an owner and on whose behalf the defendant in suit was reported to have acted as a power of attorney by execution of an agreement was filed for impleadment. The trial Court rejected the plea.

In a suit for specific performance normally there will be no issue regarding title. However, where the suit is for enforcement of an agreement executed by a person purporting to act as a power of attorney for another and if an application is moved by the principal owner contending that the power of attorney itself is not valid and that he should be heard in his defence in the suit, the court ought to have allowed the application.

Even otherwise the law has undergone a change in some sense on even allowing a person for setting up a title to be brought as a proper party in a judgment of Supreme Court in *Thomson Press (India) Limited vs. Nanak Builders & Investors Pvt. Ltd. & Ors., reported in AIR 2013 SC 2389*.

The non-impleadment was not justified, the impugned order is set aside.

The revision is allowed.

(K. KANNAN)
JUDGE

20.07.2015
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