

250.

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

Civil Revision No.2334 of 2016 (O&M)

Date of decision:11.04.2016

Nirmala

... Petitioner

versus

Munish and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Sanjiv Kumar Aggarwal, Advocate,
for the petitioner.

Mr. Amit Kumar Jain, Advocate,
for respondents 4 to 6.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ? No.

K.Kannan, J. (Oral)

1. Respondents 1 to 3 served. None appears. Service is complete.

2. In a suit for specific performance for enforcement of an agreement of sale by one Saroj Rani who is since deceased, the plaintiffs were claiming reliefs against the 4 named defendants who claimed as beneficiaries under a Will executed by Saroj Rani. The suit property is in respect of an agricultural land and in respect of yet another property of Saroj Rani, namely, a house, one of the plaintiffs has filed an independent suit challenging the Will propounded by

the defendants and has staked a claim as their own property through yet another Will alleged to have been executed by Saroj Rani. The present application for impleadment is sought by persons who claimed to be the legal heirs but for the Will. The court has declined it.

3. It is in the interest of the plaintiffs themselves that all the persons who claimed as representatives of the deceased vendor are made as parties so that the plaintiffs secure valid right if the agreement is found to be true and the plaintiffs establish their readiness and willingness. The order already passed is set aside and the impleadment is ordered. Any adjudication on the Will amongst the defendants or by the second plaintiff with defendants 1 to 4 may not affect the rights of the plaintiffs and the plaintiffs' right in the suit shall be adjudged only on the basis of truth of the agreement and the plaintiff's proof of readiness and willingness.

4. The revision petition is ordered on the above terms.

(K.KANNAN)
JUDGE

11.04.2016
sanjeev