

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.679 of 2016

Date of Decision.04.02.2016

Karan Sharma and another

.....Petitioners

Vs.

Smt. Sangeeta Garg and others

.....Respondents

Present: Mr. Harkesh Manuja, Advocate
for the petitioners.

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?

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K. KANNAN J. (ORAL)

1. An agreement holder sought for impleadment in suit for specific performance contending that although he was a subsequent agreement holder, the suit filed by a person claiming to have an earlier agreement cannot be enforced, since there was a bar against alienation.

2. The bona fides of purchase will be a matter for enquiry under Section 19 of the Specific Relief Act and such a subsequent purchaser can seek for impleadment if he had not been made as party.

A rival agreement holder cannot be treated to be the necessary or proper party and the only remedy by him will be to institute a suit for specific performance on the basis of agreement and also make an alleged earlier agreement holder to be a party in the said suit to secure the relief for specific performance if he can establish his statutory rights in such a suit. The counsel says that there is already a suit filed by him for specific performance and the present plaintiff has also been made as

party. The petitioner has done what is appropriate and the only relief which he can secure before the Court below is to request the suit filed by the alleged earlier agreement holder to be tried along with his suit simultaneously. If the suits are pending in the same court and if such a request is made, the Court shall consider the same and try both the suits simultaneously. If they are in different courts, appropriate directions may be taken from the District Judge for transfer to the same court and rely on this judgment for such a transfer.

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

(K. KANNAN)
JUDGE

February 04, 2016
Pankaj*