

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

224

CR No.1584 of 2015  
Date of decision: 15.09.2017

Dharmender

..... Petitioner

Versus

Meena Devi

..... Respondent

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present:- Mr. Vikram Singh, Advocate  
for the petitioner.

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**ANIL KSHETARPAL, J. (ORAL)**

There is a decree against Smt. Murti Devi for specific performance of agreement to sell. This decree is on the basis of agreement to sell dated 17.01.2006. The Executing Court has held that Smt. Murti Devi was not owner of the property on the day the agreement to sell is alleged to have been executed by her. Smt. Murti Devi had executed a gift deed in favour of her son Surender on 08.04.2002. Thereafter, Surender had sold the property by registered sale deed dated 04.01.2005 in favour of Rajwanti. Rajwanti had further sold the property by registered sale deed in favour of objector Meena Devi i.e. on 14.11.2006.

The objections filed by Meena Devi have been allowed as she claims to be purchaser of the property through a registered sale deed.

Learned counsel for the petitioner could not satisfy the Court as to how the decree for specific performance can be executed against Meena Devi if on the day the agreement to sell is alleged to be executed by

the judgment debtor, she was not the owner of the property in dispute. While deciding a case for specific performance of agreement to sell, the Court normally does not decide on the question of the ownership of the vendor unless there is a specific issue on the question of ownership of the vendor. Decree for specific performance of the contract is only an enforcement of the agreement to sell between the parties.

In view of what has been said above, I do not find any good ground to interfere with the order passed by the trial Court.

Revision petition is dismissed.

15.09.2017  
Dinesh Bansal

(ANIL KSHETARPAL)  
JUDGE

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|---------------------------|----------|
| Whether speaking/reasoned | Yes / No |
| Whether Reportable        | Yes / No |