

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

103

**CR-839 of 2016
Date of Order: 04.05.2022**

Raghubir Singh

..Petitioner

Versus

Anil Kumar Jain and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.S.Randhawa, Advocate and
Mr. Vanish Chawla, Advocate
for the petitioner.

Mr. Harmandeep Singh, Advocate,
for Mr. K.B.Raheja, Advocate
for the respondents.

ANIL KSHETARPAL, J(Oral)

An application filed by the petitioner with a prayer to implead him as party-defendant in a suit for possession by way of specific performance of the agreement to sell has been dismissed by the trial Court on 06.01.2016.

The applicant is brother of Randjodh Singh and Harjit Singh. The suit for possession by way of specific performance has been filed to enforce the agreement to sell executed by Ranjodh Singh and Harjit Singh.

The petitioner claims that he has filed a separate suit for grant of decree of permanent injunction restraining his brothers from alienating specific portion of the joint property.

In a suit for specific performance, the Court is required to determine as to whether the agreement to sell is specifically enforceable or not? The Court will not decide any other dispute. If the property is joint,

Ranjodh Singh and Harjit Singh will be deemed to have sold to the extent of their share. In such reassessments, the petitioner is neither necessary nor a proper party.

Hence, no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

May 04, 2022

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No