

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

CR-8909-2017 (O&M)

Date of decision: 02.09.2022

Jaspreet Singh

....Petitioner

Versus

Harkirat Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. M.S.Saini, Advocate for
 Mr. A.S.Kalra, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

The challenge is to the correctness of the interlocutory order passed by the trial court while dismissing the plaintiff's application for impleading Balbir Kaur, Harjinder Kaur, Promila Sidhu, Baljit Kaur and Kamalpreet Kaur, as defendants in the suit. The plaintiff has filed the suit for confirmation of the possession by way of specific performance of the agreement to sell dated 10.07.2012 executed by Harkirat Singh s/o Darshan Singh.

During the pendency of the suit, plaintiff's application was dismissed by the trial court on the ground that the afore-noted persons were not necessary parties.

Heard the learned counsel representing the petitioner at length and with his able assistance perused the paperbook. He contends that Smt. Balbir Kaur etc. have filed a separate suit challenging the agreement to sell in which the petitioner (plaintiff) has also been impleaded as a party.

In a suit for specific performance of the agreement to sell,

the court is required to adjudicate upon as to whether there was a valid contract between parties and whether the decree for specific performance of such agreement to sell can be granted or not? Ordinarily, in such suit the inter se dispute between the other parties is not required to be decided. Admittedly, Balbir Kaur and others are not alleged to be the executants of the agreement to sell. Therefore, the afore-noted persons are not necessary parties for the adjudication of the suit. Hence, no ground to interfere is made out.

Dismissed.

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

02.09.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE