

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

CR-474-2021(O&M)

Date of decision: 26.08.2022

Madan Singh (now deceased) through his LRs.

.... Petitioner

Versus

Krishan Kumar & ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Suman Jain, Advocate,
for the petitioner.

Mr. Mani Ram Verma, Advocate,
for respondents No.2 to 5.

ANIL KSHETARPAL, J (Oral)

In a suit for possession by the way of specific performance of the agreement to sell allegedly executed by Krishan Kumar in favour of the plaintiff Madan Singh (the petitioner herein), an application filed by the children of Krishan Kumar for being impleaded as defendants has been allowed. In a suit for specific performance of the agreement to sell, the Court is required to decide the validity and enforceability of the contract between the parties. The children claim that defendant No.1 (Krishan Kumar) was not the sole owner as the property was the joint hindu family property. Admittedly, the children have already filed a separate suit against Krishan Kumar as well as Madan Singh.

The scope of decision in a suit for specific performance is limited. It will not be appropriate and feasible for the Court to decide the issues arising inter se between the various family members in a suit for specific performance.

Hence, the order dated 05.02.2020 is set aside.

Petition stands allowed accordingly.

26.08.2022

monika

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

**(ANIL KSHETARPAL)
JUDGE**