

2023:PHHC:143595
**143 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-678-2023 (O&M)
Date of decision: 09.11.2023

Neelam Rani and another

...Petitioners

Versus

Naresh Kumar Gupta and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Ashok Sehgal, Advocate for the petitioners

Ms. Puneeta Sethi, Advocate for respondent no.2 to 4

ANIL KSHETARPAL, J (Oral)

1. An application filed by the petitioners before the First Appellate Court, with a prayer to implead them as party, in the pending appeal, has been dismissed. The correctness of the aforesaid order has been challenged in this revision petition. A suit for possession by way of specific performance of the agreement to sell was filed by Ms. Shobha Bectar and others against Sh.Naresh Kumar Gupta with respect to 50% share of H.No. 2212, Sector 21-C, Chandigarh. The aforesaid suit was decreed by the trial court. Sh.Naresh Kumar Gupta has filed the first appeal, which is pending. The applicants/petitioners are sisters of Sh.Naresh Kumar Gupta. They claim some share in the suit property. It is not in dispute that a separate litigation in this regard is pending in the court. In a suit for the specific performance of the agreement to sell, the court is only

required to decide about the enforceability of the contract. If the petitioners are impleaded as a party, the inter se dispute between Sh.Naresh Kumar Gupta and his sisters will have to be decided, which does not fall within the scope of suit for specific performance. Moreover, a decree for possession of the agreement to sell is a decree in personam. Hence, no ground to interfere is made out.

2. Dismissed, accordingly.

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

09.11.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE