

Intervention Application – By Attorney of plaintiff, claiming share in decretal amount – Not maintainable – After passing a decree, court becomes functus officio – Suit for specific performance – A contracts with B for purchasing some property. B defaults. So A sues. In that suit, C, the brother of A, represents A as his power of attorney agent (POA). A few years later, A discharges C from being his POA; he pursues the case independently and gets a decree—not for specific performance but for the return of money. When A wants to withdraw the deposited decretal amount, C, his brother and erstwhile POA, objects. He wants to intervene in the disposed of suit and stake a claim to a part of the decretal amount on the premise that he, too, has contributed to the sale consideration. Essentially, the suit is in a contractual dispute. And that dispute concerns the parties to the [contract](#). In a suit for specific performance, whatever be its outcome, no third party can have the role to play. In a suit for specific performance, a third party's assertion that he has a stake in the subject matter of the suit counts to noting. What matters is the contract, not the property covered by the contract. Here, the plaintiff sued and had the decree. Thus, he is entitled to the decretal amount. When he wanted to withdraw that amount, somebody else objects. That somebody maybe his brother or his erstwhile agent. However strong that person's right to recovery maybe, he cannot file an intervention application in an already disposed of matter and stay the execution of the decree or nullify the decree without proper judicial recourse.

[CPC](#) O. 1 R. 8A

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