



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

159

CR-632-2026**Date of Decision: 07.07.2026****Surjit Kaur and another**

....Petitioners

Versus

Narinder Kaur @ Jaspal Kaur

....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Rahul Soi, Advocate
for the petitioners.

VIKAS SURI, J. (Oral)

1. The present petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 27.10.2025 (Annexure P-5) passed by learned Civil Judge (Junior Division), Nabha, whereby an application moved by the plaintiff-petitioner under Order 1 Rule 10 of the Code of Civil Procedure, 1908, (for short, 'CPC'), for impleadment of the subsequent purchaser of suit property, during the pendency of the litigation, has been dismissed.

2. Tersely, it may be noticed that the plaintiff-petitioner had filed a suit for declaration and permanent injunction against one Narinder Kaur @ Jaspal Kaur. During the pendency of trial, the aforesaid defendant alienated the suit property to one Paramdeep Kaur w/o Hardeep Singh, vide registered sale deed dated 20.06.2024. Accordingly, the present application was filed for impleading the subsequent transferee as a party to the suit.

3. The impleadment application has been dismissed vide impugned



-: 2 :-

order dated 27.10.2025, which has been challenged by way of the present petition.

4. I have heard the learned counsel for the petitioners and perused the record with his able assistance.

5. Learned counsel for the petitioners fairly submits that the applicability of Section 52 of the Transfer of Property Act, 1882 (for short, 'TPA'), is not in dispute. He further submits that the judgment of a Division Bench of this Court in ***Yogeshwar Education Trust vs. Gurmeet Kaur and others, 2008(15) RCR (Civil) 185***, continues to hold the field and the same has not been overruled by any subsequent decision. Hence, he is not in a position to distinguish the same on facts.

6. It is trite law that any transfer of property effected during the pendency of litigation, would be governed by the provisions of Section 52 of TPA. It would, therefore, be apposite to notice the said provision, which is reproduced hereunder:-

"52. Transfer of property pending suit relating thereto.—
During the pendency in any Court having authority within the limits of India excluding the State of Jammu and Kashmir or established beyond such limits by the Central Government, of any suit or proceeding which is not collusive and in which any right to immoveable property is directly and specifically in question, the property cannot be transferred or otherwise dealt with by any party to the suit or proceeding so as to affect the rights of any other party thereto under any decree or order which may be made therein, except under the authority of the Court and on such terms as it may impose."

7. A perusal of the aforesaid provision makes it abundantly clear that the same is for granting protection to a litigant by ensuring that his



CR-632-2026

-: 3 :-

original claim is not defeated by a malicious or mischievous transfer effected during the pendency of the case.

8. In a recent decision rendered in **Civil Appeal No.5919 of 2023** titled as ***Shingara Singh vs. Daljit Singh and another***, decided on 14.10.2024, reported in **2024 SCC OnLine SC 2823**, the Hon'ble Supreme Court reiterated that once a sale agreement is proved and the subsequent sale is during pendency of the suit, such transaction is hit by the doctrine of *lis pendens* under Section 52 of the TPA. The view taken by the High Court was accordingly upheld.

9. In view of the above, I am of the considered view that there exists no legal necessity to implead the subsequent purchaser whose transfer falls within the mischief of Section 52 of TPA. Therefore, the subsequent purchaser, is neither a necessary nor a proper party to the present suit.

10. Even otherwise, no ground is made out to warrant interference with the impugned order, in exercise of superintending powers of this Court.

11. Resultantly, the present petition being bereft of merit, is dismissed.

July 07, 2026

Varinder

**(VIKAS SURI)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No