

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 1400 of 2013 (O&M)
Date of decision: 27.07.2015

Anil Kumar

... Petitioner

versus

Satish Kumar and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. K.S. Cheema, Advocate, for the petitioner.

Mr. Sandeep Arora, Advocate, for respondent Nos. 4 to 26.

K.Kannan, J.

The application for impleadment brought at the instance of the purchaser *pendente* suit was allowed. They have also been permitted to file their written statement.

The plaintiff who is the petitioner is aggrieved that the *pendente lite* purchaser has been permitted to be brought in after the trial has commenced and when the evidence was in progress. The impleadment of the subsequent purchaser with liberty to file the statement will unnecessarily prolong the trial by giving opportunities to purchasers to let in evidence about their own transactions which are irrelevant. They have only obtained what their vendor was entitled to.

The subsequent purchaser are not necessary parties but proper parties to ensure that there is no collusion at the trial between the plaintiff and the purchasers' vendor who are parties to the proceedings. Beyond the right of participation, I agree with the contention of the plaintiff that the

statement by the purchaser with also liberty to proved all the sale deeds will bring in unnecessary facts on board for consideration which is needless.

While upholding the impleadment I will give the liberty to the newly added parties to participate in the proceedings from the stage at which they were brought on record and their statement already filed need not be considered. No adverse inference can be drawn against the purchasers but they are entitled to support the defence taken by their vendor and ensure that their title is protected to the extent to which it is legally feasible.

The order passed by the Court is modified and the civil revision petition is allowed to the above extent with the liberty to the purchasers in the manner indicated.

27.07.2015
kv

(K.KANNAN)
JUDGE