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

CR No.3621 of 2015

Date of decision: July 02, 2015

Smt. Majidan

.....Petitioner

Versus

Ayyub and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. B.S. Tewatia, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 09.03.2015, whereby application moved by subsequent purchaser under Order 1 Rule 10 read with Order 22 Rule 10 and Section 151 of Code of Civil Procedure, 1908 ('CPC' for short), was allowed.

Learned counsel for the petitioner has submitted that the petitioner had filed a petition under Section 125 of Code of Criminal Procedure, 1973 ('Cr. P.C.' for short) against respondent No.1. During the said proceedings, property in question was given to the petitioner by respondent No.1 for her maintenance. Petitioner was entitled to keep the property with her during her lifetime, but could not sell the same. Thereafter, respondent No.1 transferred the property in favour of respondent No.2. Petitioner filed suit for declaration and for consequential relief of permanent injunction against

the respondents. During the pendency of the suit, Jubeda moved an application for being impleaded as a party on the plea that she had purchased the property in question from respondent No.1 vide sale-deed dated 27.12.2011. Learned counsel has further submitted that the subsequent purchaser could not be said to be a necessary party.

In the present case, petitioner has filed suit for declaration against the respondents by challenging the release-deed dated 31.08.2009 executed by respondent No.1 in favour of respondent No.2. It is the case of the applicant Jubeda that the property in question had been sold to her by respondent No.2 vide sale-deed dated 27.12.2011. The case of the subsequent purchaser is that she was bonafide purchaser for consideration and had no knowledge qua the alleged compromise effected between the petitioner and respondent No.1. There is nothing on record, at this stage, to suggest that the compromise effected between the petitioner and respondent No.1, on the basis of which order dated 25.11.2004 (Annexure P-2) was passed in proceedings under Section 125 Cr. P.C., was incorporated in the revenue record. In these circumstances, at this stage, it was just and expedient to implead the subsequent purchaser as a defendant in the suit, so that she could also put up her case before the trial Court. In these circumstances, learned trial Court had rightly allowed the application moved by the

subsequent purchaser for being impleaded as a party to the suit.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

July 02, 2015

mahavir