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

CR No.4580 of 2015

Date of decision: July 23, 2015

Jaswinder Kaur

.....Petitioner

Versus

Shinder Kaur Sandhu and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Amit Dhawan, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 28.05.2015, whereby, application moved by the petitioner under Order 1 Rule 10 of Code of Civil Procedure, 1908 ('CPC' for short), was dismissed.

Learned counsel for the petitioner has submitted that petitioner was subsequent purchaser and had no knowledge qua the pendency of the litigation and petitioner was necessary to be impleaded as a party to the suit. In support of his arguments, learned counsel has placed reliance on decision of the Apex Court in **Thomson Press (India) Ltd. v. Nanak Builders and Investors P. Ltd. and Ors.**, AIR 2013 Supreme Court 2389, wherein, it was held as under:-

“41. This Court again in the case of Dwarka Prasad Singh and others v. Harikant Prasad Singh and others AIR 1973 SC 655 subscribed its earlier view and held that in a suit for specific performance against a person with notice of a prior agreement of sale is a necessary party.

42. Having regard to the law discussed hereinabove and in the facts and circumstances of the case and also

for the ends of justice the appellant is to be added as party-defendant in the suit. The appeal is, accordingly, allowed and the impugned orders passed by the High Court are set aside.”

In the present case, respondent No.1 has filed suit for declaration against respondents No.2 to 4. Plaintiff has placed reliance on Will dated 19.01.2008. On the other hand, defendants were claiming ownership qua the suit property by basing reliance on Will dated 28.05.1977. During the pendency of the suit, respondent No.1-Mandeep Kaur sold the suit property to Jaswinder Kaur and Santosh Kumari. Petitioner purchased 31 kanals 7 marlas of land out of the suit property from Jaswinder Kaur and Santosh Kumari. Since the petitioner has purchased the suit property during the pendency of the suit, principle of *lis pendens* will apply. Hence, the learned trial Court had rightly dismissed the application moved by the petitioner under Order 1 Rule 10 CPC for being impleaded as a defendant. The judgment relied upon by the learned counsel for the petitioner fails to advance the case of the petitioner as it is based on different facts.

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

Dismissed.

**(SABINA)
JUDGE**

July 23, 2015
m.singh