

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 5208 of 2015
Date of decision : August 17, 2015

Sushila Devi

..... Petitioner

Versus

Sunay Kumar and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

**Present:- Mr. Sandeep Kumar Yadav, Advocate
for the petitioner.**

- 1. Whether reporters of local papers may be allowed to see the judgment ?**
- 2. To be referred to the reporters or not?**
- 3. Whether the judgment should be reported in the digest?**

Amit Rawal, J (oral).

The challenge in the present petition is to the order dated 1.8.2015 whereby application filed by the petitioner under Order 1 Rule 10 CPC to be impleaded as defendant No.2 at the stage when the suit had already been ripe for arguments, has been dismissed.

Learned counsel for the petitioner submits that during the pendency of the suit the property has been sold by defendant No.1 to the applicant and therefore necessity arose to move an application as the petitioner being proper and necessary party, the trial court has committed illegality and perversity in dismissing the application.

I have heard learned counsel for the petitioner and

appraised the paper book.

The applicability of doctrine of lis pendence is not Res Integra.

Be that as it may, the respondent-plaintiff had filed a suit of simpliciter for mandatory injunction against defendant No.1. Nature of the suit reveals that it does not involve adjudication of title, therefore, the right, interest and title of the petitioner sought to be impleaded as defendant No.2 would not be affected much less, cause any prejudice. He would be bound by the outcome of the findings as the pleadings, much less evidence in the suit are complete and the suit as observed above is ripe for arguments.

There is no illegality and perversity in the judgment of the court below.

Accordingly the revision petition is dismissed.

(AMIT RAWAL)
JUDGE

August 17 , 2015
archana