

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

Civil Revision No.5276 of 2014

Date of decision: 24.04.2015

Smt. Dharmo and another

... Petitioners

versus

Jai Bhagwan and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Ashish Aggarwal, Senior Advocate,
with Mr. Vijay Singh, Advocate,
for the petitioners.

Ms. Pratibha Yadav, Advocate,
for respondent No.1.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. The petition filed by a purchaser of interest of the legal representative Shanti moved an application for impleadment in suit which was instituted in the year 1990. The impleadment was sought only in the year 2011. The delay had been on account of the fact that the proceedings had been pending upto Supreme Court that has ultimately resulted in confirmation of the order of this court directing a remand of the case and for a trial before the court of first instance. The court has declined the relief and the counsel appearing

on behalf of the plaintiff would state that the petitioner had purported to have purchased the property even in the year 1992 and he had not taken steps for nearly 19 years from the time of purchase to implead himself as a party. There was no justification for entertaining such an application at belated time.

2. I do not see this to be a matter of delay as looming large for consideration of the rights involved. The petitioner could not implead himself when his own vendor Shanti's prayer for taking her own statement on record making a plea that the statement filed by her father was not genuine and could not be acted upon. She lost out in the first round, obtained a reversal of ruling at the higher forum and the matter travelled to higher forums before the matter went back to the trial Court. It would have been meaningful for a purchaser to join the fray only at the time when his own vendor's statement was taken on board and there was an opportunity given for filing the statement. The purchaser cannot bring any new facts any more than the fact of his purchase and the evidence would stay confined to his purchase only. Any other evidence shall be of his vendor and the trial Court will conform to the directions of remand already made through the judgment of this court as confirmed in the Supreme Court.

3. If there was delay and the plaintiff has come by some inconvenience of the petitioner modifying the application after the

disposal of the matter from the Supreme Court, I impose a cost of ₹10,000/- to be paid to the plaintiff. The order passed already is set aside and the impleadment is ordered subject to payment of costs as directed. The civil revision is allowed.

(K.KANNAN)
JUDGE

24.04.2015
sanjeev