

206

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

CR No.5719 of 2012 (O&M)

Date of decision: March 03, 2015

Manohar Lal

.....Petitioner

Versus

Manpreet Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Vaibhav Sehgal, Advocate
for the petitioner.

Ms. Punita Sethi, Advocate
for the respondent No.1.

SABINA, J

Petitioner has filed this petition challenging the order dated 04.08.2012.

I have heard learned counsel for the parties and have gone through the record available on the file carefully.

Petitioner has filed suit for possession by way of specific performance of agreement to sell dated 21.09.2007 executed by defendant No.1 in his favour. However, the suit property was sold by defendant No.1 to defendant No.3 vide sale deed dated 18.10.2008. The suit was filed by the petitioner on 24.12.2010. During the pendency of the suit, petitioner moved an application for permission to implead, Renu Pabbi and Rajni as defendants No.4 and 5 as defendant No.3 had further sold the suit property to them vide sale deed

dated 04.06.2010.

Trial Court while dismissing the application has held that the pleas sought to be taken by the petitioner, were hit by the principle of *lis pendens* as the property had already been sold to Renu Pabbi and Rani at the time of filing of the suit. The said observation made by the learned trial Court was erroneous. Doctrine of *lis pendens* will apply to only those transfers, which are made after the filing of the suit. In the present case, the property in question had already been sold to Renu Pabbi and Rani before the filing of the suit. Apparently, petitioner came to know about the execution of the sale deed dated 04.06.2010 after the filing of the suit and wanted to implead the said purchasers as defendants and seek necessary relief against them.

In the facts and circumstances of the present case, the impugned order 04.08.2012 is liable to be set aside.

Accordingly, this petition is allowed. Impugned order dated 04.08.2012 is set aside. Trial Court is directed to pass a fresh order in accordance with law.

**(SABINA)
JUDGE**

March 03, 2015

m.singh