

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No. 616 of 2015 (O&M)
Date of Decision: 09.3.2015.

Gautam Mittal

.....Petitioner

Versus

Jasbir Kaur and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Saurabh Goel, Advocate
for the petitioner.

Mr. Vaibhav Sehgal, Advocate
for respondents No. 1 and 2.

None for respondent No. 3.

SABINA, J.

Petitioner has filed this petition under Article 227 of Constitution of India challenging the order dated 11.9.2014 (Annexure P-6) whereby application moved by the petitioner under Order 22 Rule 10 of the Code of Civil Procedure, 1908 ('CPC' for short), was dismissed.

Learned counsel for the petitioner has submitted that petitioner had purchased the property in question from the defendant vide sale deed dated 14.10.2011. Petitioner merely wants to pursue the case as now he would be the effected person. In fact, petitioner does not want to file any written statement and wants to join the proceedings before the Trial Court at the stage they are going on.

Learned counsel for respondents No. 1 and 2 has opposed the petition.

Respondents No. 1 and 2 have filed suit for declaration to the effect that they were exclusive owners in possession of the land measuring 170 square yards bounded as under:-

North	-	Road
South	-	Other property 56 plaintiffs
East	-	House No. 113
West	-	Road

In the written statement filed by the defendant, the property in question has been described as under:-

East	-	Plot No. 113	45 feet
West	-	Road	45 feet
North	-	Road	40 feet
South	-	Property of other owners	40 feet

The property so described by the defendant in the written statement was sold by him to the petitioner vide sale deed dated 14.10.2011. In the present case, petitioner has purchased the suit property during the pendency of the suit and merely wants to join the proceedings at the stage they are going on and does not want to file any written statement and wants to adopt the written statement filed by his seller, hence, it would be just and expedient to allow the application moved by the petitioner under Order 22 Rule 10 CPC.

Accordingly, this petition is allowed. Impugned order dated 11.9.2014 (Annexure P-6) is set aside. Petitioner is permitted to join the proceedings before the Trial Court at the existing stage.

**(SABINA)
JUDGE**

March 09, 2015
Gurpreet