

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

Civil Revision No. 5902 of 2014.
Date of Decision : 19.03.2015.

Jaspal Singh and another ...Petitioners

Versus

Ravinder Kumar and others ...Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA.

Present: Mr. Sunny K. Singla, Advocate for the petitioners.

None for the respondent Nos. 1 and 2.

Sabina, J.

Petitioner has filed this revision petition challenging the order dated 05.08.2014 (Annexure P-6), whereby, application moved by the petitioners under Order 1 Rule 10 of the Code of Civil Procedure (hereinafter referred to as 'CPC') read with Order 6 Rule 17 CPC, was dismissed.

None has appeared on behalf of the respondent Nos. 1 and 2 despite service.

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

Petitioners had filed suit for possession by way of specific performance of agreement to sell dated 24.05.2009. The respondents No. 1 and 2 in their written statement pleaded that respondent No. 2 has already sold his 1/3rd share of the suit property to Ramesh Kumar and Harbans Lal vide sale deed dated 30.12.2009 on the basis of agreement to sell dated 03.11.2008. In view of the reply filed by respondents No. 1 and 2, petitioners

moved an application that the subsequent vendees of

respondent No. 2 be impleaded as defendants in the suit and consequent amendment may be allowed to be made by the petitioners in the plaint.

So far as the prayer made by the petitioners for impleading Harphool Singh, Lamberdar as defendant is concerned, the same has been given up by the learned counsel for the petitioners during the course of arguments.

Thus, in the present case, the property in question has already been sold by respondent No. 2. The petitioners by moving the application under Order 1 Rule 10 CPC read with Order 6 Rule 17 CPC had tried to meet out the objection raised by the defendants. It has transpired during the course of arguments that the suit is at an initial stage. Therefore, in the interest of justice, it would have been appropriate for the Trial Court to have allowed the application so that the subsequent vendees would also be heard before the suit is decided.

Accordingly, the petition is allowed. Impugned order dated 05.08.2014 (Annexure P-6), whereby, application moved by the petitioners under Order 1 Rule 10 CPC read with Order 6 Rule 17 CPC for impleading subsequent vendees of defendant No. 2 was dismissed, is set-aside. Consequently, the application moved by the petitioners under Order 1 Rule 10 CPC for impleading subsequent vendees i.e. Ramesh Kumar and Harbans Lal as defendants is allowed. Petitioners are also permitted to amend their plaint in this regard.

March 19, 2015.

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(SABINA)
JUDGE