

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

CR No.7433 of 2013

Date of decision : 09.12.2015

Shri Mann 111 Sant Baba Balwant Singh Ji Maharaj Sidsar Sihra Sahib
Wale

...Petitioner

Versus

Avinash Kaur and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. V. Ramswaroop, Addl. A.G. Punjab.

Mr. Harsh Aggarwal, Advocate for respondent No.1.

AMIT RAWAL, J. (Oral)

Since revision petition is against the interim order, learned counsel for the petitioner is at liberty to move the appropriate application for impleading LR's of petitioner before the trial Court.

The petitioner is aggrieved of the order, whereby application seeking impleadment in the suit filed for specific performance of agreement to sell dated 04.03.2005, has been declined.

Mr. V. Ramswaroop, Addl. A.G. Punjab, submits, that petitioner-applicant had purchased the property during the pendency of the

suit and, therefore, it is essential and necessary to implead him in an individual capacity.

Mr. Harsh Aggarwal, learned counsel appearing on behalf of respondent No.1 submits that the petitioner had purchased the property during the pendency of the suit therefore any sale made during such period hit by doctrine of lis pendens and further submits that petitioner is already party as LR of defendant No.1, therefore, there is no need to implead him in individual capacity.

I have heard learned counsel for the parties and appraised the paper book.

Since, the written statement was already filed and thereafter the defendant had died & the petitioner has been impleaded as Legal Representative of defendant No.1, in my view, it is settled law that LRs cannot wriggle out of admission made in the written statement for seeking impleadment in their individual capacity. Such application in my view smacks of malafide.

There is no merit in the petition.

Accordingly, petition is dismissed.

09.12.2015

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**(AMIT RAWAL)
JUDGE**