

CR No.844 of 2015

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

**CR No.844 of 2015
Date of decision:06.02.2015**

Sudesh Rani ...Petitioner
Versus
Lajpat Rai and another ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Parminder Singh, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

The petitioner has challenged the order dated 21.01.2015 by which application filed by the plaintiff seeking implementation of the interim mandatory injunction has been allowed.

In short, the trial Court passed an order dated 12.09.2013 on an application filed under Order 39 Rules 1 and 2 of the Code of Civil Procedure, 1908 (here-in-after referred to as the “CPC”) that the plaintiff be put in possession of the suit property within 10 days from the date of the order. The said order was challenged by way of CR No.6501 of 2013. The revision was dismissed on 28.10.2014.

During the pendency of the suit, defendant no.1 sold the suit property to defendant no.2 who was trying to resist the delivery of possession, as ordered on 12.09.2013, therefore, the plaintiff filed the

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application for seeking help of the Court.

The learned trial Court allowed the application holding that defendant no.2 has to sink and swim with defendant no.1 because the suit was filed on 04.05.2013 and sale deed was executed by defendant no.1 in favour of defendant no.2 on 19.08.2013 and as such, the principle of *lis pendense* is applicable.

Counsel for the petitioner has vehemently argued that the petitioner has invested a huge amount for purchase of the suit property, therefore, delivery of possession, under orders of the Court, would adversely affect her interest.

I have heard learned counsel for the petitioner and perused the record.

The petitioner has admittedly purchased the suit property during the pendency of the suit and has thus stepped into the shoes of defendant no.1 who has been ordered by the Court to hand over possession of the suit property to the plaintiff who has filed the suit for possession under Section 6 of the Specific Relief Act, 1963.

Thus, finding no merit in the present revision petition, the same is hereby dismissed.

February 06, 2015
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(Rakesh Kumar Jain)
Judge