

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

**RSA No. 4600 of 2015 (O&M)
Date of decision: 19.12.2015**

Ved Ram son of Shri Sundu Ram

... Appellant

versus

Mukesh son of Shri Hari Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Rahul Deswal, Advocate for the appellant.

K.Kannan, J.

CM No. 14523-C-2015

CM is allowed.

Appeal is restored to file.

CM No. 11101-C-2015

For the reasons mentioned in the application, duly supported by an affidavit, delay of 67 days in refiling the appeal is condoned.

CM is disposed of.

CM No. 11100-C-2015

For the reasons mentioned in the application, duly supported by an affidavit, delay of 97 days in filing the appeal is condoned.

CM is disposed of.

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The plaintiff who filed a suit for specific performance for enforcement of an agreement dated 17.01.2005 did not implead the subsequent purchaser who claimed to have purchased the property on 09.06.2005. It appears an action was taken to implead the subsequent

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purchaser but it was not prosecuted. The Court has allowed only the return of the sale consideration. The Court was justified in allowing only for the relief of recovery of money when a subsequent purchaser who may not even be a bona fide purchaser is a necessary party to suit and the suit filed without impleadment is bad as correctly held by the Court below.

The regular second appeal is dismissed.

(K.KANNAN)
JUDGE

19.12.2015

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