

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT  
CHANDIGARH

C.R. No.1591 of 2016 (O&M)

Date of Decision.04.04.2016

Jaswinder Kaur

.....Petitioner

Vs.

Amarjit Singh and others

.....Respondents

Present: Mr. Sudhir Paruthi, Advocate  
for the petitioner.

**CORAM:HON'BLE MR. JUSTICE K. KANNAN**

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

-. -

**K. KANNAN J. (ORAL)**

**C.M. No.6294-CII of 2016**

For the reasons stated in the application, the hearing of the case is advanced for today itself.

Application is allowed.

**C.R. No.1591 of 2016 (O&M)**

1. The revision petition is against the order directing impleadment and for amendment of the plaint. Both the reliefs have been ordered in single application. The objection is taken by the party impleaded to state that several reliefs cannot be brought through an application and it has been held to be so by a judgment of this Court with direction given to all lower courts for strict compliance. There is also objection that the purchase by the petitioner was made in the year 2010 and the application for amendment has been made only after the sale made by him in favour of yet another third party on 6.7.2012.

2. The suit is for declaration in relation to immovable property on the plea that he is the owner in possession of property and for the consequential reliefs. In an action for declaration in relation to the property where the person is added as a party where there have been sales effected subsequent to the institution of suit, it will always be hit by principle of lis pedens and no special privileges can be asked by such a purchaser. Even without reference to the purchase, if the petitioner is able to establish the sale against the defendant who was already made a party, that will save the suit from the bar of limitation even against the subsequent purchaser. The declaratory action cannot be defeated by any subsequent purchase and the purchaser pendente lite cannot contend that the suit is barred by limitation. The prayer of the counsel that the averment must be directed to be taken only from the date of application is also, therefore, rejected. I would not examine the issue relating to procedural direction given by this Court in *Nirmal Singh and others Vs. Tarsem Singh and others 2014(4) PLR 275* to affect the merits of the contention raised by the petitioner.

3. The order is maintained and the revision petition is dismissed.

(K. KANNAN)  
JUDGE

April 04, 2016  
Pankaj\*