

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 2282 of 2014

Date of Decision: 12.04.2016

Jagdish Rai and Another

... Petitioner(s)

Versus

Rajbala Choti and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

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

Present: Mr. G.S.Jaswal, Advocate
for the appellant(s)/petitioner(s).

Mr. P.K.Sharma, Advocate
for respondent No.1.

Shekher Dhawan, J.

Present petition is challenge to the order dated 8.1.2014, passed by learned Civil Judge (Junior Division), Chandigarh, whereby application filed under Order 1 Rule 10 CPC for impleadment of the applicant/petitioners as defendants No.8 & 9 to the suit, was dismissed.

Facts relevant for the purpose of decision of the present petition that application was filed by applicant Jagdish Rai and his wife Raj Bala for their impleadment as defendants No.8 & 9. During

pendency of the suit, Rajinder Kumar Bansal had sold House No. 1297, Morigate, Manimajra to the applicant/petitioners for a sum of ₹ 20,00,000/- vide registered sale deed dated 21.8.2010. That way, applicants were bonafide purchasers of the house and they would be affected by passing of the decree and they be impleaded as party to the suit.

The said application was contested by the plaintiff on the ground that defendant No.1 wanted to grab the property in question in connivance with Smt. Sardari. The sale deed was got executed without obtaining "No Objection" from the Municipal Corporation. Even in the year 2003, execution of the sale deed was banned in Chandigarh. But the sale deed was got executed without obtaining "No Objection Certificate". During the pendency of litigation, a purchaser cannot plead to be a bonafide purchaser and prayed that application be dismissed.

Learned counsel for the petitioners submitted that the Court has dismissed the application without assigning any reason and merely on the ground that applicants had purchased the property in question during the pendency of the suit.

Learned counsel for respondent No.1 submitted that the Court below has rightly dismissed the application as the sale deed was executed fraudulently. More so, applicants are to step into the shoes of vendor only.

Having considered the submissions made by learned counsel for the parties, this Court is of the considered view that as the sale deed was got executed during the pendency of the civil suit before

the Civil Court, allegations are that sale deed is the result of fraud. The matter was reported to the police for registration of sale deed without obtaining "No Objection" from the Municipal Corporation. More so, the alleged sale deed shall be subject to the rights of the parties to be decided in the civil litigation and the doctrine of *lis pendens* shall come into force and the Court below has rightly dismissed the application.

In view of the discussion made above, present petition stands dismissed being devoid of any merit.

(Shekher Dhawan)
Judge

April 12, 2016
"DK"