

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

CR No. 3142 of 2016

Date of decision :04.05.2016

Dalbir Singh and others

..... Petitioners

Versus

Nihal Singh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Vikram Singh, Advocate
for the petitioners.

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

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the order dated 18.04.2016, vide which the learned Civil Judge (Junior Division), Narwana, has allowed the application moved by respondent no.4 for recalling of petitioners witnesses.

2. Learned counsel for the petitioners contended that respondent no. 4 has purchased the land in dispute from respondents no. 1 to 3 vide two separate sale deeds. Thus, he has stepped into the shoes of respondents no. 1 to 3 and has no independent right to cross-examine the witnesses

examined by the petitioners. To support his contentions, he relied upon case **Dhanna Singh Vs. Baljinder Kaur, 1997(2) LJR 440**. Thus, he contended that the impugned order is illegal.

3. I have duly considered the aforesaid contentions.

4. This fact is not disputed that respondent no. 4 has been impleaded as party to the suit on the basis of the application filed by the petitioners-plaintiffs. So, it is not the case that he has been impleaded as a party on his own application, rather the petitioners have called him to join the suit and litigate considering him to be the necessary party to the suit.

5. Moreover, it has been admitted at bar that respondent no. 4 has purchased the suit land vide two separate sale deeds. The first sale deed is dated 15.06.2010 and the second sale deed is dated 15.01.2015. The present suit has been filed on 16.04.2012. Thus, respondent no. 4 has already purchased the suit land vide sale deed dated 15.06.2010 even before the institution of the suit.

6. **Dhanna Singh's case (Supra)** relied upon by learned counsel for the petitioners is quite distinguishable on facts as in the instant case the principle of *lis pendens* under Section 52 of the Transfer of Property Act is not applicable qua the sale deed dated 15.06.2010.

7. Respondent no.4 was admittedly joined in the

proceedings of the suit after the statements of the witnesses of the petitioners were already recorded. So, I do not find any illegality in the impugned order passed by the learned trial Court for recalling the witnesses examined by the petitioners for the cross-examination by respondent no.4.

8. Consequently, the present revision petition having no merits, is hereby dismissed.

04.05.2016

S.khan

(DARSHAN SINGH)
JUDGE