

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

CR No.6157 of 2016 (O&M)

Date of decision:30.9.2016

Lakhvir Singh

....Petitioner

VERSUS

Sudarshan Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Vikas Mehsempuri, Advocate for the petitioner.

REKHA MITTAL, J.(Oral)

The present petition has been directed against order dated 27.07.2016 (Annexure P-13) passed by the Civil Judge (Junior Division), Ludhiana, whereby the application (Annexure P-10) filed by respondents No.3 and 4 under Order 1 Rule 10 of the Code of Civil Procedure, 1908 (in short 'CPC') for impleadment has been allowed.

As the applicants are purchasers of the suit property during pendency of the proceedings before the trial Court, they are entitled to be impleaded as a party in view of enunciation of law laid down by Hon'ble the Supreme Court of India Thomson Press (India) Limited Vs. Nanak Builders and Investors Pvt. Ltd. and others, (2013) 5 SCC 397.

Counsel for the petitioner has submitted that the order passed by the trial Court may be modified with the observations that subsequent purchasers/purchasers pendente lite would be entitled to raise and pursue only such defences as are available and taken by the original defendants and none other, as has been laid down in para 57.4 of the judgment in Thomson Press (India) Limited's case (supra). In case, the newly added defendants would raise any defence beyond what they are entitled to, the petitioner would be at liberty to raise his

grievance at an appropriate stage of the proceedings before the trial Court and the same shall be decided by the trial Court in accordance with law.

Disposed of accordingly.

SEPTEMBER 30, 2016 'D. Gulati'	(REKHA MITTAL) JUDGE
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Whether reasoned/speaking	yes/no
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Whether reportable	yes/no
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