

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

Civil Revision No.7078 of 2014

Date of Decision: 05.08.2016

Jai Bhagwan

.....Petitioner

Vs

Naresh Kumar and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Rajesh Bansal, Advocate
for the petitioner.

Mr. Charu Sharma, Advocate for
Mr. Arun Singhal, Advocate
for respondent No.1.

RAJ MOHAN SINGH, J

[1]. In this revision petition petitioner has assailed order dated 28.11.2013 (Annexure P-4) passed by the District Judge, Panipat, whereby application filed by the petitioner under Order 1 Rule 10 CPC for impleading him as contesting respondent was dismissed.

[2]. Vide decision of even date the connected appeal i.e. RSA No.4258 of 2014 has been dismissed and the judgments and decrees passed by the Courts below decreeing the suit for possession by way of specific performance filed by the

respondents have been upheld.

[3]. Lower Appellate Court while dismissing the appeal of the defendants, dismissed the application for impleading the petitioner on the ground of *lis pendens*. In **Thomson Press (India) Ltd. vs. Nanak Builders & Investors P. Ltd. and others, 2013 (2) RCR (Civil) 875**, the Hon'ble Apex Court has settled the controversy regarding impleadment of vendee *lis pendens* as a necessary party.

[4]. In the light of observations made in **Thomson Press (India) Ltd.'s** case (supra), petitioner was liable to be impleaded, even if the case was hit by Section 52 of the Transfer of Property Act.

[5]. Since main RSA No.4258 of 2014 has been dismissed, therefore, this revision petition is also disposed of.

August 05, 2016

Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes / No

Whether reportable Yes / No