

Civil Revision No. 81 of 2016
Date of Decision: 11.1.2016

Des Raj Kataria

---Petitioner

versus

Jaswinder Singh @ Deputy (deceased) through Lrs and others.

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Rahul Rampal, Advocate
for the petitioner

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

Rekha Mittal, J.

The present petition filed by invoking the provisions of Article 227 of the Constitution of India lays challenge to the order dated 6.11.2015 passed by the Civil Judge (Junior Division), Ludhiana whereby the application filed by the petitioner under Order 1 Rule 10 and Order 6 Rule 17 of the Code of Civil Procedure (in short "CPC") has been dismissed.

The petitioner/plaintiff has filed a suit for declaration to challenge the sale deed bearing Wasika No. 13528 dated 11.12.2009 executed by the plaintiff in favour of respondent/ defendant No. 1 in regard to the suit property. It is argued that during pendency of the suit legal representatives of defendant No. 1 (since deceased) have executed sale

deeds in favour of different persons. The petitioner filed an application for impleading vendees pendente lite as defendants and consequent amendment in the plaint that has been disallowed by the learned Trial Court.

I have heard counsel for the petitioner and perused the records

As the vendees pendente lite would be bound by the decision rendered by the trial Court and cannot get better rights than their vendor(s) as in the suit property, impleading of vendees pendente lite is not necessary for adjudication of the matter in controversy. However, in case the vendee pendente lite would intend to watch his interest in the pending litigation, he may file an appropriate application for impleading as a party.

In view of the above, finding no merit, the petition is dismissed in limine. No order as to costs.

(Rekha Mittal)
Judge

11.1.2016
PARAMJIT