

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

Civil Revision No.8397 of 2016
Date of decision: December 14, 2016

Sohan Lal & another ...Petitioners

Versus

Ravinder Pal Singh & others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. S.S. Mann, Advocate for the petitioner.

Rajan Gupta, J.

Present revision petition is directed against the order dated 17.08.2016, whereby application filed by the petitioners for impleading them as defendants, has been rejected.

Learned counsel for the petitioner has assailed the order. According to him, petitioners have purchased a plot out of the suit property from defendant No.1, therefore, they are necessary party to the suit.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears, respondent No.1/plaintiff filed a suit for separate possession by way of partition regarding 1/3rd share of a residential house situated in Village Sanolian, District Patiala, with consequential relief of permanent injunction for restraining defendants from alienating or transferring the said house in any manner. During pendency of the suit,

applicant/petitioners filed an application U/O 1 Rule 10 CPC for impleading them as defendants, on the ground that defendant No.1 has entered into an agreement to sell a plot out of the suit land. The trial court dismissed the application by observing that in case during pendency of the suit, defendant No.1 sold any property to any purchaser, the subsequent purchaser is bound by the decision of the court. I find no infirmity with the order passed. A perusal of record shows that in the suit, plaintiff Ravinder Pal Singh has sought possession by way of partition. Case of the applicant/petitioners is based on an agreement to sell. It being merely an agreement, the applicants do not acquire any title on the basis of same. Thus, revision petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

December 14, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No