

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.8917 of 2015 (O&M)

Date of Decision.06.01.2016

Ashok Kumar Jain

.....Petitioner

Vs.

Sukhwant Singh and others

.....Respondents

Present: Mr. Harish Chhabra, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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

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K. KANNAN J. (ORAL)

1. The revision petition is against the order allowing an amendment to be brought in the suit for specific performance. The amendment was to implead the subsequent purchaser apart from defendants No.1 and 2. The agreement was dated 11.10.2006 and the subsequent sale was on 01.06.2007. The subsequent purchaser is necessary party under Section 19 of the Specific Relief Act. If the contention were going to be that the plaintiff knew already about the subsequent sale and he had not taken steps, there will be matter for consideration at the time of trial of the suit. Again if the contention were to be that the impleadment is barred by limitation, it will be a defence which will be permitted even at the instance of the existing defendant Nos.1 and 2 or at the instance of the subsequent purchaser. Amendment merely brings on board persons who are necessary parties to suit and that cannot be fended off at this stage. The order passed

already does not require any intervention in the revision petition.

2. The revision petition is dismissed.

(K. KANNAN)
JUDGE

January 06, 2016
Pankaj*