

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

CR No.1062 of 2014 (O&M)

Date of decision : 18.09.2017

Baldev Singh

...Petitioner

Versus

Maple Builders and Developers Pvt. Ltd. and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rakesh Chopra, Advocate for the petitioner.

Mr. Aakash Singla, Advocate for the respondent No.1.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff is in present revision petition against the order permitting the subsequent purchaser to be impleaded as party defendant.

Learned counsel for the petitioner has made the following submissions:-

1. Respondent-applicant was in the knowledge of the pendency of the case.
2. Sale of the property is hit by Rule of lis pendens.
3. Application ought to have been filed under Order 22 Rule 10 CPC and not under Order 1 Rule 10 CPC.

On the other hand, learned counsel for the respondent No.1 has supported the order passed by the trial Court.

A reading of the order passed by the trial Court shows that the applicant was permitted to file the written statement but was not permitted to recall any witness for cross-examination. In other words, apart from filing the written statement, the applicant has only been permitted to join the

proceedings from the stage at which the suit is pending.

No doubt, there is an assertion that the plaintiff had knowledge of the suit because he had filed another suit in which he had disclosed the pendency of the present suit. However, it would not be safe to conclude that the respondent-applicant had a knowledge merely because in an earlier suit, pendency of the present suit was disclosed. No doubt, the sale in favour of the applicant-respondent is during the pendency of the suit and hence governed by the Rule of lis pendens, however, applicant-respondent is a purchaser for consideration. He is trying to defend his title. The present suit is for declaration with respect to the immovable property.

Last submission of the learned counsel is that the application has been filed under Order 1 Rule 10 CPC and not under Order 22 Rule 10 CPC.

I have considered the submission. There is some substance in the argument of the learned counsel for the petitioner. However, the learned trial Court has already taken care of the aforesaid situation and has permitted the respondent-applicant to file the written statement and thereafter prosecute the case from the stage at which the case is pending.

In these circumstances, I do not find any good ground to interfere with the order passed by the trial Court.

Revision Petition is dismissed.

18.09.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**