

CR No. 2455 of 2013 (O&M)

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA
AT CHANDIGARH**

CR No. 2455 of 2013 (O&M)

Date of decision: 3.8.2017

Harjeet Singh

...Petitioner

Versus

Rambinder Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Kanwaljit Singh, Senior Advocate with
Mr. Ajaivir Singh, Advocate
for the petitioner.

Mr. Vikas Kumar, Advocate
for respondents Nos.1 and 2.

Mr. Raman Goklaney, Advocate
for respondents No.3 to 7.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the impugned order dated 11.3.2013 (Annexure P-9) passed by the learned trial court, whereby application of the plaintiff-petitioner under Order 1 Rule 10 of the Code of Civil Procedure ('CPC' for short), seeking permission of the court to implead subsequent vendees as party-defendants, was dismissed, he has approached this Court by way of present revision petition filed under Article 227 of the Constitution of India, for setting aside the impugned order.

Notice of motion was issued and interim order was passed.

Heard learned counsel for the parties.

CR No. 2455 of 2013 (O&M)

It has gone undisputed before this Court that defendants-respondents have already transferred the suit property in favour of different persons. After having come to know about transfer of the suit property by the original vendee, plaintiff-petitioner moved an application before the learned trial court, seeking its permission to implead subsequent vendees as party-defendants. It is this application which was dismissed by the learned trial court vide impugned order.

A bare perusal of the impugned order would make it crystal clear that learned trial court has misdirected itself, while not appreciating the abovesaid crucial aspect of the matter that original defendants-respondents were left with no interest in the litigation. Once the plaintiff has come to know about transfer of the suit property in favour of subsequent vendees, it has become his compulsive necessity to implead them. Further, presence of subsequent vendees was not the necessity of plaintiff only, but it would also facilitate the learned trial court to arrive at a just conclusion, so as to do complete and substantial justice between the parties. Having said that, this Court feels no hesitation to conclude that the impugned order is patently illegal and cannot be sustained.

No prejudice of any kind, whatsoever, is likely to be caused to the original defendants, nor any prejudice has been shown which might have been caused to them. Under these undisputed facts and circumstances of the case, it can be safely concluded that learned trial court fell in a serious error of law, while passing the impugned order and the same cannot be upheld, for this reason also.

During the course of hearing, learned counsel for the respondents could not raise any meaningful argument in support of the

CR No. 2455 of 2013 (O&M)

impugned order. In fact, no such argument was available to the learned counsel for the respondents, keeping in view the nature of impugned order and it is liable to be set aside.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that since the impugned order has been found suffering from patent illegality, it cannot be sustained.

Accordingly, impugned order dated 11.3.2013 (Annexure P-9) passed by the learned court below is hereby set aside. Consequently, application of the petitioner seeking impleadment of the subsequent venduees as party-defendants would stand allowed.

Resultantly, with the abovesaid observations made and directions issued, instant revision petition stands allowed, however, with no order as to costs.

3.8.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No