

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

111

CR No.6068 of 2014
Date of Decision:11.12.2017

Ram Kumar and another

...Petitioners

Versus

Om Parkash and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.S. Madan, Advocate
for the petitioners.

Mr. Vishal Sharma, Advocate for
Mr. Vijay Lath, Advocate
for respondent No.5(ii) and (iii).

ANIL KSHETARPAL, J.(Oral)

Applicant-petitioner has filed an application under Order 1 Rule 10 CPC for being added as defendant/respondent in the appeal.

Two applicants claimed that they have purchased the property from Rajesh Kumar vide registered sale deeds dated 17.05.2012 and 25.05.2012. It is further pleaded that Rajesh Kumar neither contested the suit nor is contesting the appeal. I am informed that Rajesh Kumar has died and his legal heirs have been brought on record, however, they have also not chosen to appear before the learned First Appellate Court.

It is not in dispute that during the pendency of the litigation, the applicants have purchased rights in the suit land, in fact through the aforesaid sale deeds almost entire suit property has been transferred.

Although, it is settled that a subsequent purchasers in such circumstances cannot be added as a party under Order 1 Rule 10 CPC, however, they can be added as a party under Order 22 Rule 10 CPC. Order

22 Rule 10 CPC deals with the situation where during the pendency of the litigation there is some assignments of rights of the suit property.

Taking into consideration that Rajesh Kumar, the original defendant and the vendor is not contesting the appeal, therefore, applicants are allowed to be substituted/added in place of Rajesh Kumar through his LRs. However, allowing of the application would not entail any fresh written statement or evidence to be recorded. Petitioner shall be entitled to defend the appeal on the basis of the pleadings and the evidence already on record.

Hence, this revision petition is allowed.

11.12.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No