

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

CR-7007-2014 (O & M)
Date of decision: 02.03.2017

M/s Malhotra Land Developers and Colonizers Pvt. Ltd.

.... Petitioner

V/s

Ashok Jindal and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Kanwaljit Singh, Sr. Advocate, with Mr. Armaan Midha,
Advocate, for the petitioner.

Mr. Naresh Jain, Advocate, for the respondents.

Rajan Gupta, J. (Oral)

Present revision petition is directed against the order passed by the trial court rejecting the plea of the petitioner to be impleaded as defendant in the suit. Order has been challenged on the ground that petitioner had purchased the property from defendant No.3 namely Chanchal Jain, way back vide sale deed dated March 14, 2006. Thus, petitioner has a right to be impleaded to defend the suit. He has interest in the property. Reliance has been placed on the judgment reported as '*Sharadamman versus Mohammed Pyrejan (D) through LRs and another, 2015(4) RCR (Civil)*'.

Prayer has been opposed by learned counsel for the plaintiff-respondent No.1. According to him, proceedings, in any case, would be

governed by the principle of lis pendence. Thus, there is no necessity of impleadment of the petitioner.

On due consideration of the matter, I am of the considered view that no prejudice would be caused to the plaintiff/respondent No.1 in case petitioner is impleaded as defendant in the array of parties. Though, it has to be noticed that the suit was filed way-back in February 2005, it hardly made any headway. Plaintiff himself moved an application for impleadment of respondent No.3-Chanchal Jain as a defendant in the suit in the year 2006. Said application remain pending for four years. On prayer of plaintiff himself, defendant No.2 was impleaded as defendant No.2 in the array of parties. Almost 04 years thereafter, instant application was moved by the petitioner claiming that Chanchal Jain had already sold the property to the petitioner vide sale deed dated March 14, 2006. Thus, he be impleaded as a defendant.

This prayer has been rejected by the court below observing that it was not clear as to how petitioner came to know about the pendency of the suit and that principle of lis pendence would apply.

In my considered view, the order is unsustainable. Though, this court does not intend to express any opinion on the merits on the rival stands of the parties, it feels that petitioner should be allowed to be arrayed as one of the defendants in the suit. Law laid down in the case of **Sharadamman** (Supra) would be relevant for the disposal of the instant application under Order 1 Rule 10 CPC.

Under the circumstances, this revision petition is hereby allowed. The impugned order dated 19.08.2014 is set aside. As the

matter has been considerably delayed, trial court would endeavour to conclude the trial expeditiously.

March 02, 2017
sukhpreet

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No