

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

CR No. 7616 of 2017 (O&M)

Date of decision: 6.11.2017

Kanta Sharma

....Petitioner

VERSUS

Jas Rani and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Satbir Rathore, Advocate for the petitioner.

REKHA MITTAL, J.(Oral)

The present petition directs challenge against order dated 24.10.2017 (P-4) passed by the Additional Civil Judge (Senior Division), Mukerian whereby application filed by the petitioner under Order 1 Rule 10 read with Section 151 of the Code of Civil Procedure, 1908 (in short 'CPC') for impleading as defendant No.114 in a suit for partition has been dismissed.

Pereusal of the record would make it evident that the petitioner appears to be purchaser of a part of suit land during pendency of proceedings before the Court, therefore, sale in her favour is hit by the principles of *lis pendens*. The petitioner is bound by the decree passed against his predecessor-in-interest impleaded as a party in the application for preliminary decree. The proceedings for passing final decree are in continuatin of the proceedings for passing a preliminary decree. That being so, I do not find any error much less illegality in the impugned order warranting intervention.

Disposed of accordingly.

NOVEMBER 6, 2017

'D. Gulati'

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No