

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

120

CR No.987 of 2017
Date of Decision:19.12.2017

Hari Parshad @ Hari Dutt (deceased) through his LR ...Petitioner

Versus

Sarita Devi and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.N. Lohan, Advocate
for the petitioner.

Mr. Gulshan Nandwani, Advocate
for respondent No.1.

ANIL KSHETARPAL, J.(Oral)

Defendant-petitioner is in the revision petition against the order dated 10.01.2017 permitting subsequent purchaser to be added as a party.

It is not disputed before me that Sarita Devi-respondent No.1 has purchased a share in the property vide sale deed dated 30.01.2014. Respondent Nos.2 and 3 had filed a suit for separate possession by way of partition. Respondent No.1 has purchased the property from one of the plaintiff. Therefore, applicant is a necessary party in a suit for partition because she would be entitled to share in the property.

However, she can be added as a party only under Order 22 Rule 10 CPC and not under Order 1 Rule 10 CPC.

Taking into consideration these undisputed facts, the revision is disposed of with direction that respondent No.1 shall be added as a co-plaintiff. She would be entitled to participate in the proceedings henceforth.

19.12.2017
sheetal

**(ANIL KSHETARPAL)
JUDGE**

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