

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

CR No.1099 of 2018 (O&M)

Date of decision : February 19, 2018

Arvind Kumar

..... Petitioner

Versus

Tilak Raj Bhandari and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Jagram Cooner, Advocate for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

CM-3450-CII-2018

This is an application for impleading the legal heirs of respondent No.3-Labh Singh.

Respondent No.3- Labh Singh is stated to have died on 18.01.2016. His legal heirs, whose particulars are mentioned in para No.2 of the application, are otherwise class one heirs. They are ordered to be impleaded as party respondents.

Application stands disposed of.

Main Case

Impugned in the present revision petition is the order dated 21.10.2015 (Annexure P-1) and order dated 04.10.2016 (Annexure P-2) passed by the learned Addl. Civil Judge (Sr. Dinv.), Kalka.

Heard.

It comes out that a civil suit filed in the year 2010. Though, the trial court has dismissed the suit but the first appellate court vide judgment

dated 19.12.2013, passed the decree against the defendant for specific performance of the agreement to sell dated 11.05.2004, directing the defendant to execute the sale deed in favour of the appellants within three months from the date of judgment. The defendant was further restrained from alienating the disputed house in any manner.

It comes out that after the passing of the decree, the defendant-J.D., in fact, transferred the said house by way of sale deed dated 09.05.2014 in favour of the present objector Arvind S/o Kundan Lal, who had filed the objections. The said objections were dismissed. Consequently, the trial court in pursuance of the sale deed executed by it on 02.11.2015 by executing a decree, issued warrants of possession.

I am of the view that the purchase of the disputed property by the present petitioner is hit by rule of *lis pendens*. He purchased the property after the decree was passed by the trial court and injunction order was passed against defendant. Therefore, he is bound by the said decree. Thus, there is no ground to interfere in the impugned orders.

As such, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

February 19, 2018

sarita

Whether speaking / reasoned Yes

Whether Reportable: No