

Civil Revision No.3511 of 2018

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

Civil Revision No.3511 of 2018
Date of decision: 24.05.2018

Yogesh Kumar

.....Petitioner

versus

Anup Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Sushil Jain, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this revision petition under Article 227 of the Constitution of India, limited prayer has been made for correction in impugned order dated 23.05.2017 (Annexure P-5) wrongly showing him proforma defendant and subsequent purchaser, in view of the fact that he had purchased the suit land much earlier, before filing of the suit.

Heard.

Since petitioner had purchased some part of the suit property vide registered sale deed dated 29.09.1993 from a co-sharer, namely, Pradeep Kumar around 14 years prior to filing of the suit on 12.09.2007. Therefore, impleading him as a subsequent purchaser by the trial Court in the impugned order dated 23.05.2017 (Annexure P-5) is a patent typographical mistake. Similarly, since the petitioner has interest in the suit property by virtue of registered sale deed aforesaid and wants to contest the

suit, therefore, he could not have been impleaded as a proforma defendant

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creating his interest akin to the respondents-plaintiff. He ought to have been impleaded as a contesting defendant by the trial Court.

In view of the discussion above, the impugned order is modified to the effect that petitioner Yogesh Kumar would be treated as a contesting defendant and also not a subsequent purchaser, rather as a co-sharer, being purchaser of some part of the suit property prior to filing of the suit.

As a natural corollary, the trial Court would accept the written statement of the petitioner, which he has undertaken to file on the very next date of hearing.

This petition is disposed of without issuing notice to the respondents with a view to impart justice to the parties and to save the huge expenses which may be incurred by the respondents and also to avoid unnecessary delay in the adjudication of the matter. Still, if dissatisfied, the respondents may move this Court for recalling this order within one month from today.

(Ramendra Jain)
Judge

May 24, 2018
R.S.

Whether speaking/reasoned Yes/No

Whether reportable Yes/No.