

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

C.R.No.4498 of 2016

Date of Order: 22.11.2018

Rajmohinder Pal Verma

....Petitioner

Versus

Sham Lal (since deceased) through his LRs and Anr.

....Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sanjay Jain, Advocate for the petitioner.

Mr. Bhag Singh, Advocate for the respondents.

AMIT RAWAL, J (ORAL)

Instant revision petition is directed against the impugned order dated 01.07.2016 whereby the application of the plaintiff-petitioner under Order 6 Rule 17 CPC for amendment of the plaint as also under Order 1 Rule 10 CPC for impleading Devinder Kaur as defendant No.2 (subsequent purchaser) in the plaint has been dismissed.

Learned counsel for the petitioner submitted that the plaintiff had filed civil suit for ejectment of the defendant and recovery of mesne profits. However, the LRs of the defendant during the pendency of the suit vide sale deed dated 30.1.2015 had sold the property to the proposed vendees, therefore, impleadment of the aforesaid defendant i.e subsequent purchaser was essential. Though doctrine of lis pendens would apply but the fact of the matter is that the defendant had no right and title in the property which is being sought to be ejected being licensee.

On the other hand, learned counsel for the respondents

submitted that the sale deed was effected on 30.1.2015 but no effort was made to move any application. The suit had reached final stage of adjudication and it would amount to *de novo* trial and thus no amendment could be permitted as the sale is only qua share in respect of which the defendant was the owner.

I am afraid that the argument of learned counsel for the respondents is not sustainable, for, once the plaintiffs had sought ejectment of the defendant as licensee in respect of House No.1129/1061, B-1 Vishavkarma Road, Ambala City and claimed mesne profits, the aforesaid event is subsequent and cannot be permitted to go unnoticed. Even if the trial had reached the final stage, it is very essential to implead the subsequent purchaser in the suit.

In view of aforesaid, the impugned order suffers from illegality and infirmity and the same is hereby set aside. Application for amendment and impleadment is accepted.

Petition stands allowed.

November 22, 2018
manoj

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No