

In the High Court of Punjab and Haryana at Chandigarh

130

**CR No.6660 of 2018 (O&M)
Date of decision: 01.10.2018**

CHARANJIT SINGH PRUTHI & OTHERS

.....petitioners

Versus

GURDEEP SINGH & OTHERS

.....respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Amit Dhawan, Advocate
for the petitioners.

RAJ MOHAN SINGH, J.(oral)

Learned counsel for the petitioners contends that though the joint application under Order 1 Rule 10 CPC and Order 6 Rule 17 CPC is not maintainable in view of ratio laid down in **Nirmal Singh and others vs. Tarsem Singh and others, 2015 (2) RCR (Civil) 679**, but the trial Court has not dismissed the application on that ground.

A suit for recovery was filed by the plaintiffs on the ground that prior to target date i.e. 20.11.2012, defendants No.1 and 2 transferred some land in favour of Manpreet Kaur, Kamaljit Kaur, Manjit Kaur, Surinder Kaur and Jasbir Kaur.

Khasra No.23/8 was transferred in favour of Surjit Kaur and thereafter, Surjit Kaur transferred the same to Arpana and Amla Jain after the target date. Defendants further transferred the land to Ankush Jain, Rajat Jain, Dinkar Jain and Sudhir Jain. At present the land is in the name of Arpana, Amla Jain, Ankush Jain, Rajat Jain, Dinkar Jain and Sudhir Jain. The aforesaid persons are sought to be impleaded under Order 1 Rule 10 CPC with consequent prayer for amendment of the plaint.

Learned counsel for the petitioners by relying upon Section 19 (b) of the Specific Relief Act, contends that in view of ratio rendered by the Hon'ble Apex Court in **Thomson Press (India) Ltd. vs. Nanak Builders and Investors Pvt.Ltd. and others, 2013 (2) RCR (Civil) SC**, the assignee by sale can be impleaded as party defendant in the suit.

In view of nature of order, which this Court proposes to pass at this stage, there is no necessity of calling upon the respondents as it would further delay the disposal of the case.

Since the application has been rejected by the trial Court not on the ground of maintainability, therefore, I deem it appropriate to relegate the petitioners to file separate applications before the trial Court.

In view of above, this revision petition is dismissed as withdrawn with liberty to the petitioners to approach the trial

Court by way of two separate applications. In the event of filing such applications, the same shall be decided in accordance with law.

October 01, 2018 anita	(RAJ MOHAN SINGH) JUDGE
Whether reasoned/Speaking	Yes/No
<i>Whether reportable</i>	<i>Yes/No</i>