

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

CR No.6987 of 2017
Date of decision : 24.01.2018

Ram Chandri

...Petitioner

Versus

Surender Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sudhir Aggarwal, Advocate for the petitioner.

Mr. Gaurav Khera, Advocate for respondent No.1.

ANIL KSHETARPAL, J. (ORAL)

This revision petition has been filed by a subsequent purchaser pursuant to a sale deed executed by respondent No.2-Rajinder Singh, in his favour.

The suit for partition of the property in dispute was pending between the brothers. Rajinder Singh sold his entire share in favour of the petitioner vide registered sale deed. The petitioner filed an application for being added as a party so that she at least have a right of hearing before final partition of the property. It is not in dispute that the preliminary decree for partition has been passed.

Since, Rajinder Singh, the vendor of the petitioner has already sold his entire share, he has lost his interest in the property as well as in the litigation, therefore, under Order 22 Rule 10 CPC, there is an assignment of

the interest in the property during the pendency of the suit and hence, the petitioner is entitled to be substituted in place of Rajinder Singh.

The petitioner would be entitled to join the proceedings henceforth and the Court would proceed from the current stage.

In view of the above, the impugned order is set aside.

Revision petition is allowed.

24.01.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No